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For reasons of protection of personal data and/or confidentiality, some information contained in this issue cannot be disclosed anymore and therefore a new authentic version has been published.

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These texts are available on:

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V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Appeal brought on 7 December 2018 by Michal Harvilik — HYDRA against the order of the General Court (Fifth Chamber) delivered on 25 September 2018 in Case T-365/18, Michal Harvilik — HYDRA v Czech Republic and the European Court of Human Rights

(Case C-768/18 P)

(2019/C 213/02)

Language of the case: Slovak

Parties

Appellant: Michal Harvilik — HYDRA (represented by: A. Wagner, lawyer)

Other parties to the proceedings: Czech Republic, European Court of Human Rights

By order of 19 March 2019, the Court of Justice (Seventh Chamber) ruled that the present appeal is inadmissible.

Appeal brought on 14 February 2019 by China Construction Bank Corp. against the judgment of the General Court (Ninth Chamber) delivered on 6 December 2018 in Case T-665/17: China Construction Bank v EUIPO

(Case C-115/19 P)

(2019/C 213/03)

Language of the case: English

Parties

Appellant: China Construction Bank Corp. (represented by: A. Carboni, J. Gibbs, Solicitors)

Other parties to the proceedings: European Union Intellectual Property Office, Groupement des cartes bancaires

Form of order sought

The Appellant claims that the Court should:

— set aside the judgment of the General Court dated 6 December 2018 in Case T-665/17;

— give final judgment in respect of Article 8(1)(b) of Regulation (EU) 2017/1001 ([1]) or alternatively that the case be remitted to the General Court, and

— order the EUIPO and any intervening parties in this appeal to bear their own costs and pay the Appellant's costs of these proceedings and those of the proceedings before the General Court in Case T-665/17.

Pleas in law and main arguments

The Appellant has three grounds of appeal in respect of the contested decision, which are that the General Court:

1. infringed Article 8(1)(b) EUTMR; and

2. failed to state reasons for its finding that the intervener's earlier mark relied on ('earlier mark') had enhanced distinctive character in relation to 'financial affairs, monetary affairs, banking', and/or

3. distorted the facts both in relation to its assessment of the earlier mark and the opposed mark and in reaching the said finding of enhanced distinctive character.

The Appellant's plea of infringement of Article 8(1)(b) can be further sub-divided into the following errors made by the General Court in its assessment of the case:

1. the General Court took account of the reputation of the earlier mark at the first stage of assessing the similarity of the marks, as well as when conducting the global assessment of likelihood of confusion, which was an incorrect approach and resulted in impermissible 'double counting';

2. the General Court wrongly treated both the earlier mark and opposed mark as if they were essentially word marks, paying insufficient regard to their figurative nature, which adversely affected the assessment of both the visual and the aural similarities of the marks in issue and the relative weight to be given to each;

3. the General Court made a number of errors in relation to identifying the services in class 36 for which it held that the earlier mark had a reputation and thus distinctive character, and

4. both as a result of the foregoing errors and as a result of ignoring additional important factors, the General Court failed to conduct a proper global assessment of the likelihood of confusion between the earlier mark and the opposed mark.

([1]) Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ 2017, L 154, p. 1).

Appeal brought on 14 February 2019 by Gregor Schneider against the judgment of the General Court (Fourth Chamber) delivered on 4 December 2018 in Case T-560/16, Gregor Schneider v European Union Intellectual Property Office (EUIPO)

(Case C-116/19 P)

(2019/C 213/04)

Language of the case: German

Parties

Appellant: Gregor Schneider (represented by: H. Tettenborn, Rechtsanwalt)

Other party to the proceedings: European Union Intellectual Property office (EUIPO)

Form of order sought

The appellant claims that the Court should:

1. set aside in its entirety the judgment of the General Court of the European Union (Fourth Chamber) of 4 December 2018 in Case T-560/16;

2. rule in accordance with the form of order sought by the applicant in those proceedings, that is,

   annul the decision of EUIPO (then: OHIM) of 2 October 2014, according to which the applicant was transferred from the International Cooperation and Legal Affairs Department to the Operations Department;

   in the alternative: refer the case back to the General Court of the EU after setting aside the abovementioned judgment;

3. order EUIPO to pay the costs of all of the proceedings — that is, the proceedings before the General Court of the EU and the appeal proceedings before the Court of Justice of the EU.

Grounds of appeal and main arguments

In support of the appeal, the appellant relies on nine grounds of appeal.

First, in the judgment under appeal, the General Court misinterpreted the 'rule of correspondence' between the complaint within the meaning of Article 91(2) of the Staff Regulations and the subsequent action, since it rejected as inadmissible, by reference to the correspondence principle, a plea in law which the applicant, at the time of submitting the complaint, was not at all in a position to put forward in the absence of an allocation of tasks that has still not been made.

Second, the General Court erred in law by misinterpreting the criteria for the assessment of whether there has been a misuse of powers, in so far as it set out the legal principle that, where a reassignment measure has not been deemed to be contrary to the interests of the service, there can be no question of a misuse of powers. That legal principle cannot be correct because it would, in principle, exclude from misuse of powers cases all situations in which the administration puts forward a plausible interest of the service,

without actually pursuing that interest. It is precisely the cases of intelligently construed misuse of powers that should not generally be deprived of judicial review through a legal principle thus formulated.

Third, the General Court erred in law in misinterpreting the requirements for a hearing that is guaranteed by the applicant's right to be heard, which is also laid down in Article 41(1) in conjunction with Article 41(2)(a) of the Charter of Fundamental Rights of the European Union, in so far as it considers a hearing necessary only where a targeted individual measure could, in the authority's view, adversely affect the person concerned. A hearing and the granting of the right to be heard should, however, serve precisely to bring to light points of view and effects of intended decisions that the authority itself has not yet considered.

Fourth, the General Court repeatedly infringed the applicant's right to be heard, in so far as it, inter alia, ignored the further evidence produced in the oral part of the procedure in accordance with Article 85(3) of the Rules of Procedure of the General Court and failed to address the corresponding proposal of witnesses or take a decision under Article 85(4) of the Rules of Procedure. The General Court also infringed the applicant's right to be heard because it did not hear the witnesses already proposed in the application and at the same time reproaches the applicant for failing to provide evidence.

Fifth, the General Court thereby also fails to observe fundamental principles that ensure a fair hearing under the rule of law for the purposes of Article 47 of the Charter of Fundamental Rights and casts doubt on the effectiveness of judicial protection.

Sixth, the General Court repeatedly distorted the facts before it.

Seventh, the General Court failed to clarify the facts; eighth, failed to state reasons; and, ninth, disregarded the rules of logic.

Request for a preliminary ruling from the Amtsgericht Hamburg (Germany) lodged on 27 February 2019 — MG, NH v Germanwings GmbH

(Case C-190/19)

(2019/C 213/05)

Language of the case: German

Referring court

Amtsgericht Hamburg

Parties to the main proceedings

Applicants: MG, NH

Defendant: Germanwings GmbH

Question referred

Can a right to compensation under Article 7 of Regulation (EC) No 261/2004 ([1]) also exist when a passenger does not catch a directly connecting flight due to a relatively minor delay in arrival, with the result that there is a delay in arrival at the final destination of three hours or more, but the two flights were operated by different air carriers and the booking confirmation was issued by a travel agency who combined the flights for its customer?

([1]) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1).

Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Valenciana (Spain) lodged on 11 March 2019 — Promociones Oliva Park, S.L. v Tribunal Económico Administrativo Regional (TEAR) de la Comunidad Valenciana

(Case C-220/19)

(2019/C 213/06)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de la Comunidad Valenciana

Parties to the main proceedings

Applicant: Promociones Oliva Park, S.L.

Defendant: Tribunal Económico Administrativo Regional (TEAR) de la Comunidad Valenciana

Questions referred

1. Should Article 1(2) of Directive 2008/118/EC ([1]) be interpreted as precluding and being incompatible with a tax such as the IVPEE (tax on the value of electricity production), which is nominally a direct tax but which, having regard to its true nature, is actually an indirect, purely revenue-raising, tax without a specific purpose, given that the classification of the tax under national law cannot override the interpretation provided by EU law, which is governed by the objectives of EU law and reflects the objective characteristics of the tax in question?

2. In spite of the fact that it is classed as an environmental tax, is the fundamental aim of the IVPEE to raise revenue, in that activities involving the production of electricity and its incorporation into the electricity system are taxed in the same way, regardless of their intensity and environmental impact, in breach of Article 1, Article 3(1) and (2) and Article 3(3)(a) as read with Article 2(k) of Directive 2009/28/EC? ([2])

3. Should the principle of free competition and promotion of energy from renewable sources be interpreted as precluding the IVPEE, since it applies the same fiscal treatment to energy from non-renewable and from renewable sources, thus discriminating against the latter and breaching the support scheme established in Article 2(k) and related provisions of Directive 2009/28/EC?

4. Finally, do the aforementioned principle of free competition and Articles 32, 33 and 34 of Directive 2009/72/EC ([3]) (CHAPTER VIII, ORGANISATION OF ACCESS TO THE SYSTEM) preclude the IVPEE, on the grounds that it permits positive discrimination in favour of non-national electricity producers, to the detriment of Spanish producers, thereby distorting the internal electricity market and access to the system?

([1]) Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ 2009 L 9, p. 12).

([2]) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ 2009 L 140, p. 16).

([3]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark (Austria) lodged on 14 March 2019 — DX

(Case C-227/19)

(2019/C 213/07)

Language of the case: German

Referring court

Landesverwaltungsgericht Steiermark

Parties to the main proceedings

Appellant: DX

Respondent authority: Bürgermeister der Stadt Graz

Interested party: Finanzpolizei

Questions referred

1. Must Article 56 TFEU, Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ([1]) and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC ([2]) be interpreted as precluding a national provision which, for infringements of formal obligations in connection with the cross-border deployment of labour, such as a failure to make available documents relating to pay or a failure to report to the Central Coordination Office (ZKO notifications), provides for very high fines, in particular high minimum penalties, which are imposed cumulatively in respect of each worker concerned?

2. If the answer to Question 1 is in the negative:

Must Article 56 TFEU, Directive 96/71/EC and Directive 2014/67/EU be interpreted as precluding the imposition of cumulative fines for infringements of formal obligations in connection with the cross-border deployment of labour which have no absolute upper limits?

(1) OJ 1997 L 18, p. 1.

(2) Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (OJ 2014 L 159, p. 11).

Request for a preliminary ruling from the Cour administrative (Luxembourg) lodged on 20 March 2019 — State of the Grand Duchy of Luxembourg v B

(Case C-245/19)

(2019/C 213/08)

Language of the case: French

Referring court

Cour administrative

Parties to the main proceedings

Appellant: State of the Grand Duchy of Luxembourg

Respondent: B

Questions referred

1. Must Articles 7, 8 and 52(1) of the Charter of Fundamental Rights of the European Union, whether or not read in conjunction with Article 47 of that Charter, be interpreted as precluding national legislation of a Member State which, in the context of the procedure for the exchange of information on request established in particular with a view to the implementation of Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC, (1) excludes any remedy, in particular a judicial remedy, on the part of a third party holding information to challenge a decision by which the competent authority of that Member State requires that third party to communicate information to it for the purposes of implementing a request for exchange of information received from another Member State?

2. If the answer to the first question is in the affirmative, must Article 1(1) and Article 5 of Directive 2011/16 be interpreted, if necessary taking account of the evolving nature of the interpretation of Article 26 of the OECD Model Tax Convention, as meaning that a request for exchange of information, and a consequent information order from the competent authority of the requested Member State, satisfy the condition that there is not a manifest lack of foreseeable relevance where the requesting Member State states the identity of the taxpayer concerned, the period covered by the investigation in the requesting Member State and the identity of the holder of the information in question, while seeking information concerning contracts and the associated invoices and payments which are unspecified but which are defined by criteria concerning, first, the fact that the contracts were concluded by the identified holder of the information, secondly, their applicability to the tax years covered by the investigation by the authorities in the requesting State and, thirdly, their relationship with the identified taxpayer concerned?

([1]) OJ 2011 L 64, p. 1.

Request for a preliminary ruling from the Cour administrative (Luxembourg) lodged on 20 March 2019 — State of the Grand Duchy of Luxembourg v B, C, D, F.C.

(Case C-246/19)

(2019/C 213/09)

Language of the case: French

Referring court

Cour administrative

Parties to the main proceedings

Appellant: State of the Grand Duchy of Luxembourg

Respondents: B, C, D, F.C.

Other party: A

Questions referred

1. Must Articles 7, 8 and 52(1) of the Charter of Fundamental Rights of the European Union, whether or not read in conjunction with Article 47 of that Charter, be interpreted as precluding national legislation of a Member State which, in the context of the procedure for the exchange of information on request established in particular with a view to the implementation of Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/99/EEC, ([1]) excludes any remedy, in particular a judicial remedy, on the part of the taxpayer concerned by the investigation in the requesting Member State and a third party to challenge a decision by which the competent authority of that Member State requires a holder of information to communicate information to it for the purposes of implementing a request for exchange of information received from another Member State?

2. If the answer to the first question is in the affirmative, must Article 1(1) and Article 5 of Directive 2011/16 be interpreted, if necessary taking account of the evolving nature of the interpretation of Article 26 of the OECD Model Tax Convention, as meaning that a request for exchange of information, and a consequent information order from the competent authority of the requested Member State, satisfy the condition that there is not a manifest lack of foreseeable relevance where the requesting Member State states the identity of the taxpayer concerned, the period covered by the investigation in the requesting Member State and the identity of the holder of the information in question, while seeking information concerning bank accounts and financial assets which are unspecified but which are defined by criteria concerning, first, the fact that they are owned by an identified holder of information, secondly, their applicability to the tax years covered by the investigation by the authorities in the requesting State and, thirdly, their relationship with the identified taxpayer concerned?

([1]) OJ 2011 L 64, p. 1.

Action brought on 20 March 2019 — European Commission v Republic of Cyprus

(Case C-248/19)

(2019/C 213/10)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: D. Triantaphyllou and E. Manhaeve, acting as Agents)

Defendant: Republic of Cyprus.

Form of order sought

The applicant claims that the Court should:

— Declare that the Republic of Cyprus, by failing to:

— provide a collecting system for 31 agglomerations (Aradippou, Ipsonas, Dali, Varoklini, Deryneia, Sotira, Xylophagou, Pervolia, Colosseo, Poli Chrysochous, Livadia, Dromolaxia, Pera Chorio-Nisou, Liopetri, Avgorou, Paliometokhos, Kiti, Frenaros, Ormidia, Kokkinotrimithia, Trachoni, Episkopi, Xylotympou, Pano Pelemidia, Pyla, Lympia, Parekklissia, Kakopetria, Achna, Meneu and Pyrgos), as required by Article 3 of and by Annex I(A) to the Directive;

— ensure for those same agglomerations that the waste water which enters the collecting systems is subject to secondary or equivalent treatment before discharge, as required by Articles 4, 10 and 15 of and by Annexes I.B and I.D to the Directive,

failed to fulfil its obligations under Articles 3, 4, 10, 15 and Annex I to Directive 91/271/EEC ([1]) concerning urban waste-water treatment.

— order the Republic of Cyprus to pay the costs.

Pleas in law and main arguments

1. In the absence of a comprehensive and operational collecting system, the Republic of Cyprus failed to observe the time limit of 31.12.2012 of Directive 91/271/EEC concerning urban waste-water treatment (as extended by the Treaty of Accession of Cyprus to the European Union) for four agglomerations with populations above 10 000 inhabitants with respect to collection (Article 2) and, consequently, the secondary treatment of waste water (Article 4) and the infrastructure and monitoring of the latter (Articles 10 and 15).

2. In the absence of a comprehensive and operational collecting system, the Republic of Cyprus failed to observe the time limit of 31.12.2012 of Directive 91/271/EEC concerning urban waste-water treatment (as extended by the Treaty of Accession of Cyprus to the European Union) for agglomerations with a population of 2000-10 000 inhabitants with respect to collection (Article 2) and, consequently, the secondary treatment of waste water (Article 4) and the infrastructure and monitoring of the latter (Articles 10 and 15).

([1]) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment.

Request for a preliminary ruling from the Verwaltungsgericht Wien (Austria) lodged on 26 March 2019 — S.A.D. Maler und Anstreicher OG

(Case C-256/19)

(2019/C 213/11)

Language of the case: German

Referring court

Verwaltungsgericht Wien

Parties to the main proceedings

Appellant: S.A.D. Maler und Anstreicher OG

Respondent authority: Magistrat der Stadt Wien

Other party to the proceedings: Bauarbeiter Urlaubs und Abfertigungskasse

Questions referred

1) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges of cases according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that the legislature must ensure that this fundamental guarantee is effective and not merely theoretical?

(1)(a) Supplementary question: If Question (1) is answered in the negative:

Do the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness in a national legal system which has enshrined the fundamental right of the fixed allocation of cases in the constitution impose any obligations to safeguard that right on the legislature and, if so, which?

(1)(b) Supplementary questions: If Question (1) is answered in the affirmative:

(1)(b)- (1) Do the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which has enshrined the fundamental right of the fixed allocation of cases in the constitution demand non-compliance with an instruction or action concerning the allocation of files to a judge by a body with no jurisdiction under law regarding that instruction or action?

(1)(b)- (2) Do the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which has enshrined the fundamental right of the fixed allocation of cases in the constitution demand that, under intra-court rules of procedure, a body dealing with the allocation of court files may be granted only a narrow scope of discretion, if any, determined in advance, with regard to the allocation decision?

2) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that a judge who has doubts (i) concerning the legality of an intra-court allocation of cases or (ii) concerning the legality of an intra-court decision implementing an intra-court allocation of cases and directly affecting the activity of that judge (in particular an allocation of cases decision) must, with regard to those doubts, be able to lodge an appeal (in particular at no financial cost to that judge) at a different court with full powers to review the legality of the act considered to be unlawful?

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a judge is able to attain legal compliance with the statutory provisions concerning him in respect of the observance of the statutory (in particular intra-court) provisions regarding the allocation of cases?

3) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that a party to a court case which has doubts concerning (i) the legality of a provision of the intra-court allocation of cases that is prejudicial to the settlement of its case or (ii) the legality of the allocation of that case to a certain judge must, before the issuing of the court decision, with regard to those doubts, be able to lodge an appeal (which does not place an excessive financial burden on that party) at a different court with full powers to review the legality of the legal act considered to be unlawful?

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a party, before the issuing of the court decision, is able to attain legal compliance with its fundamental right to observance of the 'lawful judge' principle?

4) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that the intra-court allocation of cases and the intra-court file registration are organised in such a transparent and comprehensible manner that the judge or a party is able, without particular effort, to check that the specific allocation of files to a judge or a certain panel of judges corresponds to the provisions of the intra-court allocation of cases?

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a judge or a party is in a position to be able to obtain knowledge of the legality of a certain allocation of court cases?

5) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that the parties to a case and the judge in a court case must be able, without particular action on their part, to acquaint themselves with the content of the case allocation rules and that the parties to a case and the judge must in this way be able to check the legality of the allocation of the case to a judge or certain panel of judges?

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a judge or a party is in a position to be able to obtain knowledge of the legality of a certain allocation of court cases?

6) What obligations to act are incumbent upon a judge, in view of his obligation under EU law to observe the procedural provisions under EU law, who, by virtue of an (out-of-court or intra-court) legal act which cannot be challenged, is obliged to perform an act which is contrary to EU law and infringes party rights?

Appeal brought on 3 April 2019 by Andrew Clarke against the order of the General Court (Fifth Chamber) delivered on 25 March 2019 in Case T-731/18: Clarke v Commission

(Case C-284/19 P)

(2019/C 213/12)

Language of the case: English

Parties

Appellant: Andrew Clarke (represented by: E. Lock, Solicitor)

Other party to the proceedings: European Commission

Form of order sought

The applicant claims that the Court should:

— remit the application back to the General Court for its consideration taking account of the Court of Justice's findings;

— order that by no later than 12 April 2019 (or such other date to which the Article 50 TFEU period may be extended)

a) the General Court addresses that application according to a timetable and a manner such that it is able to give its final judgment thereon;

b) as an interim measure, the Commission delivers to the United Kingdom a reasoned opinion setting out its position on the infringements of Union law that can be inferred from its letter to the appellant of 25 October 2018;

— order that the parties have liberty to apply to the General Court for further directions as appropriate;

— order the Commission to pay the appellant's costs.

Plea in law and main arguments

In support of its appeal, the appellant relies on one plea in law:

The General Court in its order dated 25 March 2019 misconstrued what the appellant sought by his application, it has wrongly determined that he has no standing to make his application and that it has no jurisdiction to make the order sought.

The appellant has not requested that the Commission bring infringement proceedings against the United Kingdom ('UK'). Annulments are requested of two decisions of the Commission, one of which has been erroneously identified by the General Court. In respect thereof, the case law relied upon by the Court either does not support the proposition for which it is cited or is irrelevant. The appellant is entitled to seek annulment of those decisions in so far as they were addressed to him and/or are of direct and individual concern to him. Furthermore, in the alternative, the appellant is entitled to seek an order under Article 265 of TFEU on the basis that the Commission has failed to act in not delivering a reasoned opinion to the UK pursuant to a mandatory obligation to do so under the first part of Article 258 of TFUE given its implicit acceptance by the second of those decisions in moving to consider its discretion under the second part of Article 258 that the UK was infringing Union law. Thus is on the basis that the reasoned opinion should also be addressed to the appellant and/or would be of direct and individual concern to him. The appellant is further entitled to seek an injunctive order and interim measures as regards his application in terms of Article 265 of TFUE.

Request for a preliminary ruling from the Krajský súd v Trnave (Slovakia) lodged on 9 April 2019 — RN v Home Credit Slovakia a.s.

(Case C-290/19)

(2019/C 213/13)

Language of the case: Slovak

Referring court

Krajský súd v Trnave

Parties to the main proceedings

Applicant: RN

Defendant: Home Credit Slovakia a.s.

Question referred

Is Article 10[(2)](g) of Directive 2008/48/EC ([1]) of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC to be interpreted as meaning that a consumer credit agreement satisfies the requirement laid down in that provision if the annual percentage rate of charge is indicated in the agreement, not as a specific percentage, but as a range between two figures (from — to)?

([1]) OJ 2008 L 133, p. 66.

Action brought on 11 April 2019 — European Commission v Hellenic Republic

(Case C-298/19)

(2019/C 213/14)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Konstantinos's and E. Emanuele, acting as Agents)

Defendant: Hellenic Republic

Form of order sought

The Commission claims that the Court should:

— Declare that the Hellenic Republic, by failing to take all measures required for the implementation of the judgment delivered by the Court on 23 April 2015, in Case C-149/14, *Rollison* v *Greece*, ([1]) has failed to fulfil its obligations under Article 260(1) TFEU;

— Order the Hellenic Republic to pay a proposed penalty payment of EUR 23 753.25 for each day of delay in the implementation of the judgment delivered in Case C-149/14, from the date when the judgment in this case is delivered until the date when the judgment that was delivered in C-149/14 has been implemented;

— order the Hellenic Republic to pay a daily lump sum amounting to EUR 2 639.25 per day from the date of delivery of the judgment in Case C-149/14 until the date when the judgment in the present case is delivered or the date when the judgment in C-149/14 is implemented, if earlier, and provided that the above amount does not exceed it, to order payment of a minimum lump sum of EUR 1 310 000,

— order the Hellenic Republic to pay the costs

Pleas in law and main arguments

1. On the basis of Article 260(1) TFEU, the Hellenic Republic is obliged to take the necessary measures to comply with the judgment of the Court in Case C-149/14. However, the Hellenic Republic failed to take all the necessary measures to comply with the operative part of that judgment. In particular, the Hellenic Republic failed to undertake a programme of work in relation to vulnerable areas characterised by the presence of bodies of surface water or groundwater which are affected by pollution caused by nitrates from agricultural sources. Consequently, the Commission decided to bring an action before the Court.

2. By this action, the Commission asks the Court to impose on the Hellenic Republic a lump sum amounting to EUR 2 639.25 per day and a penalty payment of EUR 23 753.25 per day. The amounts of the lump sum and the penalty payment have been calculated taking into account the seriousness and duration of the infringement and the deterrent effect, based on that Member State's ability to pay.

([1]) [1]EU:C:2015:264.

Request for a preliminary ruling from the Tribunale ordinario di Torino (Italy) lodged on 11 April 2019 — Techbau SpA v Azienda Sanitaria Locale AL

(Case C-299/19)

(2019/C 213/15)

Language of the case: Italian

Referring court

Tribunale ordinario di Torino

Parties to the main proceedings

Applicant: Techbau SpA

Defendant: Azienda Sanitaria Locale AL

Question referred

Does Article 2(1) of Directive 2000/35/EC ([1]) preclude a national provision, such as Article 2(1)(a) of Legislative Decree No 231 of 9 October 2002, which excludes works contracts, whether public or private, and specifically public works contracts within the meaning of Directive 93/37/EEC, ([2]) from the concept of 'commercial transaction' — defined as contracts that 'lead, exclusively or primarily, to the delivery of goods or the provision of services in exchange for remuneration' — and therefore from the scope of that directive?

([1]) Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions (OJ 2000 L 200, p. 35).

([2]) Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts (OJ 1993 L 199, p. 54).

Action brought on 12 April 2019 — European Commission v Czech Republic

(Case C-305/19)

(2019/C 213/16)

Language of the case: Czech

Parties

Applicant: European Commission (represented by: P. Ondrůšek, K. Talabér-Ritz, Agents)

Defendant: Czech Republic

Form of order sought

The applicant claims that the Court should:

— declare that, by failing to ensure that in buildings with a total useful floor area of over 500m², for which an energy performance certificate has been issued under Article 12(1) of Directive 2010/31/EU ([1]) of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings, and which are frequently visited by the public, the energy performance certificates must be displayed, the Czech Republic has failed to fulfil its obligations under Article 13(2) of that directive;

— order the Czech Republic to pay the costs.

Pleas in law and main arguments

1. Article 13(2) of Directive 2010/31/EU provides for the obligation to display the energy performance certificate, issued in accordance with Article 12(1) of the Directive, in cases where a building with a useful floor area of over 500m² is frequently visited by the public.

2. However, Czech law (§ 7a zákon č. 406/2000 Sb., o hospodaření energií, ve znění pozdějších předpisů (Paragraph 7a of Law No 406/2000 on the management of energy, as amended)) provides for the obligation to display an energy performance certificate, or energy performance passport, for those buildings only where they are occupied by public authorities. Czech law thus does not provide for the obligation to display an energy performance passport in situations where those buildings are occupied by bodies other than public authorities, and are frequently visited by the public. The legislation required is still merely at the preparatory stage.

3. The Czech Republic has therefore not ensured that, in buildings with a total useful floor area of over 500m² for which an energy performance certificate has been issued under Article 12(1) of the directive, and which are frequently visited by the public, the energy performance certificate must be displayed, and thus it has failed to fulfil its obligations under Article 13(2) of the Directive.

([1]) OJ 2010 L 153, p. 13.

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 15 April 2019 — Milis Energy SpA v Presidenza del Consiglio dei Ministri, Ministero dello Sviluppo Economico and Gestore dei Servizi Energetici SpA — GSE

(Case C-306/19)

(2019/C 213/17)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: Milis Energy SpA

Defendants: Presidenza del Consiglio dei Ministri, Ministero dello Sviluppo Economico and Gestore dei Servizi Energetici SpA — GSE

Question referred

Does EU law preclude the application of a provision of national law, such as that set out in Article 26(2) and (3) of Decree-Law No 91/2014, as converted into law by Law No 116/2014, which significantly reduces or delays the payment of incentives already granted by law and defined on the basis of ad hoc agreements concluded by undertakings generating electrical energy by means of photovoltaic conversion with Gestore dei Servizi Energetici SpA, a public company responsible for that process? In particular, is such a provision of national law compatible with the general principles of EU law relating to legitimate expectations, legal certainty, sincere cooperation and effectiveness, with Articles 16 and 17 of the Charter of Fundamental Rights of the European Union, with Directive 2009/28/EC ([1]) and the rules governing support schemes laid down therein, and with Article 216(2) TFEU, in particular in relation to the Energy Charter Treaty?

([1]) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ 2009 L 140, p. 16).

Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 16 April 2019 — BONVER WIN, a. s. v Ministerstvo financí

(Case C-311/19)

(2019/C 213/18)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Appellant: BONVER WIN, a. s.

Respondent: Ministerstvo financí

Questions referred

1. Does Article 56 et seq. of the Treaty on the Functioning of the European Union apply to national legislation (a binding measure of general application in the form of a municipal decree) prohibiting a certain service in part of one municipality, simply because some of the customers of a service provider affected by that legislation may come or do come from another Member State of the European Union?

   If so, is a mere assertion of the possible presence of customers from another Member State sufficient to trigger the applicability of Article 56 of the Treaty on the Functioning of the European Union, or is the service provider obliged to prove the actual provision of services to customers who come from other Member States?

2. Is it of any relevance to the answer to the first question that:

   (a) the potential restriction on the freedom to provide services is significantly limited in both geographical and substantive terms (potential applicability of a *de minimis* exception);

   (b) it does not appear that the national legislation regulates in a different manner, in law or in fact, the position of entities providing services primarily to citizens of other Member States of the European Union, on the one hand, and that of entities focusing on a domestic clientele, on the other?

Appeal brought on 24 April 2019 by the European Commission against the judgment of the General Court (Seventh Chamber, Extended Composition) delivered on 14 February 2019 in Joined Cases T-131/16 and T-263/16: Belgium and Magnetrol International v Commission

(Case C-337/19 P)

(2019/C 213/19)

Language of the case: English

Parties

Appellant: European Commission (represented by: P.J. Loewenthal, F. Tomat, Agents)

Other parties to the proceedings: Kingdom of Belgium, Magnetrol International, Ireland

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court (Seventh Chamber, Extended Composition) of 14 February 2019 in Joined Cases T-131/16 and T-263/16 Belgium and Magnetrol International v. Commission EU:T:2019:91 insofar as it holds that Commission Decision (EU) 2016/1699 ([1]) of 11 January 2016 on the excess profit exemption State aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by Belgium erroneously classified the 'excess profit' system as a scheme within the meaning of Article 1(d) of Regulation 2015/1589 ([2]);

— refer the case back to the General Court for reconsideration of the pleas not already assessed, and

— reserve the costs of the proceedings at first instance and on appeal.

Pleas in law and main arguments

The appellant submits that the General Court committed an error of law by concluding that it was wrong to classify the 'excess profit' tax ruling practice, implemented by Belgium from 2004-14, as a scheme within the meaning of Article 1(d) of Regulation 2015/1589.

The General Court misinterpreted the first condition of Article 1(d) and distorted recitals (94) to (110) of the contested decision by concluding that the Commission considered only the legislative acts listed in recital (99) as constituting the basis of the 'excess profit' scheme.

The General Court misinterpreted the second condition of Article 1(d) and distorted recitals (100) to (108) of the contested decision by concluding that the grant of the 'excess profit' exemption necessitated the adoption of further implementing measures.

The General Court misinterpreted the third condition of Article 1(d) and distorted recitals (66), (102), (103), (109), (139) and (140) of the contested decision by concluding that further implementing measures were necessary to define the beneficiaries of the 'excess profit' exemption.

Finally, the General Court disregarded the ratio legis of Article 1(d) by concluding that the Commission erroneously classified the 'excess profit' system as a scheme within the meaning of that provision.

([1]) OJ 2016, L 260, p. 61.

([2]) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015, L 248, p. 9).

Appeal brought on 29 April 2019 by Drex Technologies SA against the judgment of the General Court (Fifth Chamber) delivered on 28 February 2019 in Case T-414/16 Drex Technologies v Council

(Case C-348/19 P)

(2019/C 213/20)

Language of the case: French

Parties

Appellant: Drex Technologies SA (represented by: E. Ruchat, avocat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant submits that the Court should:

— Declare the appeal admissible and well founded;

— Accordingly, set aside the judgment of 28 February 2019 (T-414/16);

And, giving judgment itself,

— Annul Decision (CFSP) 2016/850 of 27 May 2016 ([1]) and its subsequent implementing acts, in so far as they concern the appellant;

— Order the Council to pay the costs of the proceedings.

Grounds of appeal and main arguments

The first ground of appeal alleges an error of law in that the General Court disregarded the applicant's right, enshrined in Article 41 of the Charter of Fundamental Rights, to be heard prior to the adoption of new restrictive measures.

The second ground of appeal alleges an error of law and distortion of the facts in that the General Court disregarded the items submitted by the applicant in support of its action for annulment to demonstrate that it did not support the Syrian regime.

The third ground of appeal alleges an error of law in so far as the General Court did not hold that Articles 27 and 28 of Decision 2013/255/CFSP, according to which membership of the Al-Assad or Makhlouf families constitutes an autonomous criterion justifying the imposition of sanctions, were illegal and in so far as it, on the same occasion, reversed the burden of proof.

([1]) Council Decision (CFSP) of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 141, p. 125).

Appeal brought on 29 April 2019 by Almashreq Investment Fund against the judgment of the General Court (Fifth Chamber) delivered on 28 February 2019 in Case T-415/16 Almashreq Investment Find v Council

(Case C-349/19 P)

(2019/C 213/21)

Language of the case: French

Parties

Appellant: Almashreq Investment Fund (represented by: E. Ruchat, avocat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant submits that the Court should:

— Declare the appeal admissible and well founded;

— Accordingly, set aside the judgment of 28 February 2019 (T-415/16);

And, giving judgment itself,

— Annul Decision (CFSP) 2016/850 of 27 May 2016 ([1]) and its subsequent implementing acts, in so far as they concern the appellant;

— Order the Council to pay the costs of the proceedings.

Grounds of appeal and main arguments

The first ground of appeal alleges an error of law in that the General Court disregarded the applicant's right, enshrined in Article 41 of the Charter of Fundamental Rights, to be heard prior to the adoption of new restrictive measures.

The second ground of appeal alleges an error of law and distortion of the facts in that the General Court disregarded the items submitted by the applicant in support of its action for annulment to demonstrate that it did not support the Syrian regime.

The third ground of appeal alleges an error of law in so far as the General Court did not hold that Articles 27 and 28 of Decision 2013/255/CFSP, according to which membership of the Al-Assad or Makhlouf families constitutes an autonomous criterion justifying the imposition of sanctions, were illegal and in so far as it, on the same occasion, reversed the burden of proof.

([1]) Council Decision (CFSP) of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 141, p. 125).

Appeal brought on 29 April 2019 by Souruh SA against the judgment of the General Court (Fifth Chamber) delivered on 28 February 2019 in Case T-440/16 Souruh v Council

(Case C-350/19 P)

(2019/C 213/22)

Language of the case: French

Parties

Appellant: Souruh SA (represented by: E. Ruchat, avocat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant submits that the Court should:

— Declare the appeal admissible and well founded;

— Accordingly, set aside the judgment of 28 February 2019 (T-440/16);

And, giving judgment itself,

— Annul Decision (CFSP) 2016/850 of 27 May 2016 ([1]) and its subsequent implementing acts, in so far as they concern the appellant;

— Order the Council to pay the costs of the proceedings.

Grounds of appeal and main arguments

The first ground of appeal alleges an error of law in that the General Court disregarded the applicant's right, enshrined in Article 41 of the Charter of Fundamental Rights, to be heard prior to the adoption of new restrictive measures.

The second ground of appeal alleges an error of law and distortion of the facts in that the General Court disregarded the items submitted by the applicant in support of its action for annulment to demonstrate that it did not support the Syrian regime.

The third ground of appeal alleges an error of law in so far as the General Court did not hold that Articles 27 and 28 of Decision 2013/255/CFSP, according to which membership of the Al-Assad or Makhlouf families constitutes an autonomous criterion justifying the imposition of sanctions, were illegal and in so far as it, on the same occasion, reversed the burden of proof.

([1]) Council Decision (CFSP) of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 141, p. 125).

Action brought on 10 May 2019 — European Commission v Federal Republic of Germany

(Case C-371/19)

(2019/C 213/23)

Language of the case: German

Parties

Applicant: European Commission (represented by: J. Jokubauskaitė and R. Pethke, acting as Agents)

Defendant: Federal Republic of Germany

Form of order sought

The applicant claims that the Court should:

— declare that the Federal Republic of Germany has failed to comply with its obligations under Articles 170 and 171 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ([1]) and under Article 5 of Council Directive 2008/9/EC of 12 February 2008 laying down detailed rules for the refund of value added tax, provided for in Directive 2006/112/EC, to taxable persons not established in the Member State of refund but established in another Member State ([2]) by systematically refusing to request the information that is missing in an application for a VAT refund and, instead, immediately refusing the refund applications in such cases if such information can be provided only after the 30 September deadline.

— order Federal Republic of Germany to pay the costs.

Pleas in law and main arguments

In support of its action, the European Commission relies on the following pleas in law:

1. First plea in law — Infringement of the principle of neutrality of VAT

   The Federal Republic of Germany infringed the principle of neutrality of VAT established in Articles 170 and 171 of Directive 2006/112 and Article 5 of Directive 2008/9, according to which, upon the acquisition of goods and upon the receipt of services, a settlement of the VAT paid at the preceding stage is to occur to the benefit of the taxable person.

   The principle of neutrality of turnover tax requires that an entitlement to a refund is to be granted where the substantive conditions for that entitlement are fulfilled. Where there are doubts whether the substantive conditions for a refund are fulfilled, refund applications under Article 5 in combination with the first sentence of the first paragraph of Article 21 of Directive 2008/9 are to be refused only where requests for information from the Member State of refund under Article 20 of that directive are unsuccessful.

2. Second plea in law — Infringement of the principle of the practical effectiveness of entitlements to VAT refunds

   The interpretation of Article 20(1) of Directive 2008/9 adopted by the Republic of Germany hinders the effective exercise of the entitlement to a VAT refund by taxable persons not established in the Member State of refund. In this regard, the administrative practice of the German tax authorities undermines the rights of those taxable persons under Articles 170 and 171 of Directive 2006/112 and Article 5 of Directive 2008/9.

In order to do justice to the neutrality principle to the greatest extent possible, the practical effectiveness of Directives 2006/112 and 2008/9 requires that entitlements to VAT refunds existing in substantive terms be enforced. The legislation intended full settlement of the VAT paid at the preceding stage upon the acquisition of goods and upon the receipt of services and also thus sought to create broadly equal competition conditions for all taxable persons, including in cases of cross-border turnover. To that end, all the reasonable administrative measures provided for in the directive enabling the enforcement of entitlements to VAT refunds were to be taken.

3. Third plea in law — Infringement of the principle of the protection of legitimate expectations

The Federal Republic of Germany's systematic refusal to request further information and supporting documentation under Article 20(1) of Directive 2008/9 infringes the principle of the protection of legitimate expectations. After receiving the confirmation that the refund application has been received, every taxable person should be confident that his application will be processed in accordance with the provisions of that directive. If that does not occur, his confidence that lawful procedures are being applied will be undermined.

([1]) OJ 2006 L 347, p. 1.
([2]) OJ 2008 L 44, p. 23.

GENERAL COURT

Judgment of the General Court of 2 May 2019 — QH v Parliament

(Case T-748/16) ([1])

(Civil service — Members of the temporary staff — Article 24 of the Staff Regulations — Request for assistance — Article 12a of the Staff Regulations — Psychological harassment — Decision rejecting the request for assistance — Principles of objectivity and impartiality — Right to good administration — Right to be heard)

(2019/C 213/24)

Language of the case: English

Parties

Applicant: QH (represented initially by N. Lhoëst and S. Michiels, and subsequently by N. Lhoëst, lawyers)

Defendant: European Parliament (represented by: M. Ecker and Í. Ní Riagáin Düro, acting as Agents)

Re:

Application based on Article 270 TFEU seeking, first, annulment of the decision of the Parliament of 26 January 2016 by which the authority empowered to conclude contracts of employment of that institution rejected the request for assistance made by the applicant on 11 December 2014 and the decision of 12 July 2016 by which the authority empowered to conclude contracts of employment rejected the applicant's claim and, secondly, compensation for the loss he allegedly suffered as a result of the unlawful conduct of that authority when processing that request for assistance.

Operative part of the judgment

The Court:

1. *Annuls the European Parliament's decision of 26 January 2016 rejecting his request for assistance, as confirmed by the decision of 12 July 2016 rejecting his claim;*

2. *Dismisses the claim as to the remainder;*

3. *Declares that the parties are to bear their own costs.*

([1]) OJ C 22, 23.1.2017.

Judgment of the General Court of 7 May 2019 — Spain v Commission

(Case T-49/17) ([1])

(EAGF and EAFRD — Expenditure excluded from financing — Financial corrections — Meaning of 'producer' — Investments made outside the premises of a producer organisation — Checks carried out before the approval of an operational programme — Check carried out in the authorisation of expenditure — Single financial correction — Flat-rate financial correction — Proportionality — Duty to state reasons)

(2019/C 213/25)

Language of the case: Spanish

Parties

Applicant: Spain (represented initially by V. Ester Casas, abogado del Estado, and subsequently by S. Jiménez García, acting as Agent)

Defendant: European Commission (represented by: A. Lewis and M. Morales Puerta, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the annulment in part of Commission Implementing Decision (EU) 2016/2018 of 15 November 2016, excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2016, L 312, p. 26).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the Kingdom of Spain to pay the costs.*

([1]) OJ C 95, 27.3.2017.

Judgment of the General Court of 6 May 2019 — Scor v Commission

(Case T-135/17) ([1])

(State aid — Market for reinsuring the risks of natural disaster — Aid in the form of an unlimited state guarantee granted to the CCR — Decision declaring the aid to be compatible with the internal market at the end of the preliminary examination procedure — Article 107(3)(c), TFUE — Action for annulment — Locus standi — No substantial effect on the competitive position — Partial inadmissibility — Procedural rights of the interested parties — Interested party — No serious difficulties)

(2019/C 213/26)

Language of the case: French

Parties

Applicant: Scor SE (Paris, France) (represented by: N. Baverez, N. Autet, M. Béas and G. Marson, lawyers)

Defendant: European Commission (represented by: B. Stromsky, A. Bouchagiar and K. Blanck, acting as Agents)

Interveners in support of the defendant: French Republic (represented initially by D. Colas, B. Fodda, E. de Moustier and J. Bousin, and subsequently by D. Colas, B. Fodda, P. Dodeller, R. Coesme and E. de Moustier, acting as Agents) and Caisse centrale de réassurance (Paris, France) (represented initially by J.-P. Gunther, A. Giraud and S. Petit, and subsequently by A. Giraud and S. Petit, lawyers)

Re:

Application based on Article 263 TFEU seeking annulment of Commission Decision C(2016) 5995 final of 26 September 2016, concerning measures SA.37649 and SA.45860 implemented by France, in so far as the Commission declared the unlimited guarantee granted to the CCR for its business of reinsuring the risks of natural disaster to be compatible with the internal market.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Scor SE to bear its own costs and to pay those incurred by the European Commission and Caisse centrale de réassurance (CCR), including those incurred in connection with the request for confidential treatment.*

3. *Orders the French Republic to bear its own costs, including those incurred in connection with the request for confidential treatment.*

([1]) OJ C 144, 8.5.2017.

Judgment of the General Court of 7 May 2019 — Germany v Commission

(Case T-239/17) ([1])

(EAGF and EAFRD — Expenditure excluded from financing — Expenditure incurred by Germany — Flat-rate financial correction applied due to insufficient frequency of key controls — Obligation to calculate interest and record it in the accounts annually — Articles 31 and 32 of Regulation (EC)No 1290/2005 — Article 6(h) of Regulation (EC) No 885/2006 — Obligation to state reasons — Proportionality)

(2019/C 213/27)

Language of the case: German

Parties

Applicant: Federal Republic of Germany (represented by: initially D. Klebs and T. Henze, and subsequently D. Klebs, acting as Agents)

Defendant: European Commission (represented by: D. Triantafyllou, and M. Zalewski, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking partial annulment of Commission Implementing Decision (EU)2017/264 of 14 February 2017 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2017 L 39, p. 12), in so far as it concerns the Federal Republic of Germany.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the Federal Republic of Germany to bear its own costs and to pay those incurred by the European Commission.*

([1]) OJ C 195, 19.6.2017.

Judgment of the General Court of 30 April 2019 — Wattiau v Parliament

(Case T-737/17) ([1])

(Civil service — Social Security — JSIS — Reimbursement of medical costs — Agreement concluded inter alia between the European Union, Luxembourg and the Entente des hôpitaux luxembourgeois on the scales of fees for hospital care received by JSIS members — Plea of illegality — Principle of non-discrimination on grounds of nationality — First paragraph of Article 18 TFEU — Articles 20 and 21 of the Charter of Fundamental Rights — Article 39 of the Joint rules on sickness insurance for officials)

(2019/C 213/28)

Language of the case: French

Parties

Applicant: Francis Wattiau (Bridel, Luxembourg) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Parliament (represented by: M. Rantala and J. Van Pottelberge, Agents)

Intervener in support of the applicant: Association des seniors de la fonction publique européenne (SFPE) (Brussels, Belgium) (represented by S. Orlandi and T. Martin, lawyers)

Re:

Application on the basis of Article 270 TFEU and seeking annulment, first, of the decision of the Luxembourg Settlements Office of the Joint Sickness Insurance Scheme of the European Union, as evidenced in payment slip No 244 of 25 January 2017, rendering the applicant liable for payment of the sum of EUR 843.01 and, secondly, of the decision of the Secretary General of the Parliament, as the appointing authority, of 2 August 2017, confirming that decision.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Luxembourg Settlements Office of the Joint Sickness Insurance Scheme, as evidenced in payment slip No 244 of 25 January 2017, rendering Mr Francis Wattiau liable for payment of the sum of EUR 843.01, corresponding to 15 % of the medical bill of 30 May 2016;*

2. *Orders the Parliament, in addition to bearing its own costs, to pay the costs incurred by Mr Wattiau.*

([1]) OJ C 32, 29.1.2018.

Judgment of the General Court of 30 April 2019 — Kuota International v EUIPO — Sintema Sport (K)

(Case T-136/18) ([1])

(EU trade mark — Invalidity proceedings — EU figurative mark K — Absolute ground for invalidity — Bad faith — Article 59(1)(b) of Regulation (EU) 2017/1001)

(2019/C 213/29)

Language of the case: French

Parties

Applicant: Kuota International Corp. Ltd (Road Town, British Virgin Isles) (represented by: C. Herissay Ducamp, lawyer)

Defendant: European Union Intellectual Property Office (represented by: V. Ruzek, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Sintema Sport Srl (Albiate, Italy)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 15 December 2017 (Case R 3111/2014-1), relating to invalidity proceedings between Kuota International and Sintema Sport.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 15 December 2017 (Case R 3111/2014-1);*

2. *Dismisses the action as to the remainder;*

3. *Orders EUIPO to pay the costs.*

([1]) OJ C 166, 14.5.2018.

Judgment of the General Court of 7 May 2019 — Sona Nutrition v EUIPO — Solgar Holdings (SOLGAR Since 1947 MultiPlus WHOLEFOOD CONCENTRATE MULTIVITAMIN FORMULA)

(Cases T-152/18 to T-155/18) [1]

(EU trade mark — Opposition proceedings — Applications for the EU figurative marks SOLGAR Since 1947 MultiPlus WHOLEFOOD CONCENTRATE MULTIVITAMIN FORMULA — Earlier national word mark MULTIPLUS — Relative ground for refusal — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 213/30)

Language of the case: English

Parties

Applicant: Sona Nutrition Ltd (Dublin, Ireland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

Defendant: European Union Intellectual Property Office (represented by: D. Gája, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Solgar Holdings, Inc. (Ronkonkoma, New York, United States) (represented by: K. Neefs and S. Cubitt, lawyers)

Re:

Actions brought against the decisions of the Fourth Board of Appeal of EUIPO of 20 December 2017 (Cases R 1319/2017-4, R 1321/2017-4, R 1322/2017-4 and R 1323/2017-4), relating to opposition proceedings between Sona Nutrition and Solgar Holdings.

Operative part of the judgment

The Court:

1. *Joins Cases T-152/18 to T-155/18 for the purposes of the judgment;*

2. *Annuls the decisions of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 20 December 2017 (Cases R 1319/2017-4, R 1321/2017-4, R 1322/2017-4 and R 1323/2017-4);*

3. *Orders EUIPO and Solgar Holdings, Inc. to bear their own costs and each to pay half of the costs incurred by Sona Nutrition Ltd.*

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[1] OJ C 152, 30.4.2018.

Judgment of the General Court of 30 April 2019 — Briois v Parliament

(Case T-214/18) ([1])

(Privileges and immunities — Member of the European Parliament — Decision to waive parliamentary immunity — Relation with parliamentary duties — Equal treatment — Principle of sound administration — Rights of the defence — Non-contractual liability)

(2019/C 213/31)

Language of the case: French

Parties

Applicant: Steeve Briois (Hénin-Beaumont, France) (represented by: F. Wagner, lawyer)

Defendant: European Parliament (represented by: N. Görlitz and S. Alonso de León, acting as Agents)

Re:

Application, first, under Article 263 TFEU, seeking annulment of the decision P8_TA(2018)0020 of the Parliament of 6 February 2018 to waive the applicant's parliamentary immunity and, secondly, application under Article 268 TFEU seeking compensation in respect of the harm allegedly suffered by the applicant.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Steeve Briois to bear his own costs and to pay those incurred by the European Parliament.*

([1]) OJ C 211, 18.6.2018.

Judgment of the General Court of 6 May 2019 — Mauritsch v INEA

(Case T-271/18) ([1])

(Civil service — Contract staff — Fixed-term contract — Initial rejection by the applicant of the offer of extension of contract — Resignation — Refusal of entitlement to unemployment benefits — Liability)

(2019/C 213/32)

Language of the case: English

Parties

Applicant: Walter Mauritsch (Vienna, Austria) (represented by: S. Rodrigues and A. Champetier, lawyers)

Defendant: Innovation and Networks Executive Agency (represented by: I. Ramallo, acting as Agent, and by A. Duron, lawyer)

Re:

Action based on Article 270 TFEU seeking, first, annulment, firstly of the decision of the INEA of 24 January 2018 rejecting the applicant's complaint of 4 October 2017 and, secondly, the decision of the INEA of 2 August 2017 rejecting the applicant's request for compensation of 10 April 2017, and, second, compensation for the harm allegedly suffered by the applicant as a result of those decisions.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Walter Mauritsch to pay the costs.*

([1]) OJ C 231, 2.7.2018.

Judgment of the General Court of 7 May 2019 — WP v EUIPO

(Case T-407/18) ([1])

(Civil service — Temporary staff — Fixed-term contracts — Decision not to renew — Manifest error of assessment — Duty to have regard for the welfare of staff — Equal treatment — Rule of correspondence between the application and the complaint)

(2019/C 213/33)

Language of the case: English

Parties

Applicant: WP (represented by: H. Tettenborn, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Lukošiūtė and K. Tóth, acting as Agents)

Re:

Application under Article 270 TFEU seeking annulment of the decision of EUIPO of 6 October 2017 refusing a second renewal of the applicant's temporary staff contract.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders WP to pay the costs.*

([1]) OJ C 319, 10.9.2018.

Judgment of the General Court of 7 May 2019 — Fissler v EUIPO (vita)

(Case T-423/18) ([1])

(EU trade mark — Application for the EU word mark vita — Absolute grounds for refusal — No distinctive character — Descriptiveness — Concept of characteristic — Name of a colour — Article 7(1)(b) and (c) of Regulation (EU) 2017/1001)

(2019/C 213/34)

Language of the case: German

Parties

Applicant: Fissler GmbH (Idar-Oberstein, Germany) (represented by: G. Hasselblatt and K. Middelhoff, lawyers)

Defendant: European Union Intellectual Property Office (represented by: W. Schramek and D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 28 March 2018 (Case R 1326/2017-5), relating to an application for registration of the word sign vita as an EU trade mark.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 28 March 2018 (Case R 1326/2017-5);*

2. *Orders EUIPO to pay the costs.*

([1]) OJ C 294, 20.8.2018.

Judgment of the General Court of 30 April 2019 — Lupu v EUIPO — Et Djili Soy Dzhihangir Ibryam (Djili DS)

(Case T-558/18) ([1])

(EU trade mark — Opposition proceedings — Application for EU figurative mark Djili DS — Earlier national word mark DJILI — Relative ground for refusal — No likelihood of confusion — Article 8(1)(a) and (b) of Regulation (EU) 2017/1001)

(2019/C 213/35)

Language of the case: English

Parties

Applicant: Victor Lupu (Bucharest, Romania) (represented by: P. Acsinte, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Gája and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Et Djili Soy Dzhihangir Ibryam (Dulovo, Bulgaria) (represented by: C.-R. Romițan, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 5 June 2018 (Case R 2391/2017-5) concerning opposition proceedings between Mr Lupu and Et Djili Soy Dzhihangir Ibryam.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Victor Lupu to pay the costs.*

([1]) OJ C 408, 12.11.2018.

Order of the General Court of 30 April 2019 — Promeco v EUIPO — Aerts (dishes)

(Case T-353/18) ([1])

(EU trade mark — Invalidity proceedings — Withdrawal of the application for declaration of invalidity — No need to adjudicate)

(2019/C 213/36)

Language of the case: English

Parties

Applicant: Promeco NV (Kortrijk, Belgium) (represented by: H. Hartwig and A. von Mühlendahl, lawyers)

Defendant: European Union Intellectual Property Office (represented by: A. Folliard-Monguiral and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Aerts NV (Geel, Belgium) (represented by: G. Glas and T. Carmeliet, lawyers)

Re:

Action brought against the decision of the Grand Board of Appeal of EUIPO of 16 February 2018 (Case R 459/2016–G) relating to invalidity proceedings between Promeco NV and Aerts NV.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *Promeco NV shall bear its own costs and pay those incurred by the European Union Intellectual Property Office (EUIPO).*

3. *Aerts NV shall bear its own costs.*

([1]) OJ C 259, 23.7.2018.

Order of the General Court of 29 April 2019 — Engel v EUIPO — F. Engel (ENGEL)

(Case T-381/18) ([1])

(European Union trade mark — Opposition proceedings — Withdrawal of the opposition — No need to adjudicate)

(2019/C 213/37)

Language of the case: English

Parties

Applicant: Engel GmbH (Pfullingen, Germany) (represented by: C. Pfitzer, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Gája and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: F. Engel K/S (Haderslev, Denmark) (represented by: L. Elmgaard Sørensen, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 26 March 2018 (Case R 1423/2017-2), relating to opposition proceedings between F. Engel and Engel.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *Engel GmbH and F. Engel K/S shall bear their own costs and Engel GmbH shall pay those incurred by the European Union Intellectual Property Office (EUIPO).*

([1]) OJ C 276, 6.8.2018.

Order of the General Court of 29 April 2019 — Dermatest v EUIPO (DERMATEST)

(Case T-495/18) ([1])

(EU trade mark — Application for the EU word mark DERMATEST — Refusal of registration — Withdrawal of the application for registration — No need to adjudicate)

(2019/C 213/38)

Language of the case: German

Parties

Applicant: Dermatest Gesellschaft für allergologische Forschung u. Vertrieb von Körperpflegemitteln mbH (Münster, Germany) (represented by: J. Bühling and D. Graetsch, lawyers)

Defendant: European Union Intellectual Property Office (represented by: W. Schramek, D. Hanf and D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 12 June 2018 (Case R 426/2018-4), relating to an application for registration of the word sign DERMATEST as an EU trade mark

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *Dermatest Gesellschaft für allergologische Forschung u. Vertrieb von Körperpflegemitteln mbH shall pay the costs.*

([1]) OJ C 352, 1.10.2018.

Order of the General Court of 30 April 2019 — Romania v Commission

(Case T-530/18) ([1])

(Action for annulment — EAGF and EAFRD — Commission Implementing Decision — Notification to the addressee — Publication of the decision in the Official Journal of the European Union — Time limit for bringing an action — Point from which time starts to run — Delay — Inadmissibility)

(2019/C 213/39)

Language of the case: Romanian

Parties

Applicant: Romania (represented by: C.-R Canțăr, E. Gane, C.-M. Florescu and O.-C Ichim, acting as Agents)

Defendant: European Commission (represented by: J Aquilina and L. Radu Bouyon, acting as Agents)

Re:

Application under Article 263 TFEU seeking partial annulment of Commission Implementing Decision (EU) 2018/873 of 13 June 2018 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2018 L 152, p. 29) in so far as it excludes certain expenditure incurred by Romania.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Romania shall bear its own costs and pay those incurred by the European Commission.*

([1]) OJ C 408, 12.11.2018.

Order of the President of the General Court of 2 May 2019 — Jap Energéticas y Medioambientales v Commission

(Case T-145/19 R)

(Application for interim measures — Environment — Financial Instrument for the Environment (LIFE) — Project LIFE 11 ENV/ES/000593-H2AL RECYCLING — Recovery of sums paid — Application for suspension of operation of a measure — No urgency)

(2019/C 213/40)

Language of the case: Spanish

Parties

Applicant: Jap Energéticas y Medioambientales, SL (Valencia, Spain) (represented by: G. Alabau Zabal, lawyer)

Defendant: European Commission (represented by: J. Estrada de Solà and S. Izquierdo Pérez, acting as Agents)

Re:

Application based on Articles 278 and 279 TFEU seeking suspension of the operation of Commission Decision BUDG/DGA 1/C4/CB/3241812545 of 14 January 2019 regarding the recovery from the applicant of the sum of EUR 82 750.96 plus default interest.

Operative part of the order

1. *The application for interim measures is dismissed.*

2. *The costs are reserved.*

Action brought on 20 February 2019 — Pavel v EUIPO — bugatti (B)

(Case T-114/19)

(2019/C 213/41)

Language of the case: English

Parties

Applicant: Dan-Gabriel Pavel (Oradea, Romania) (represented by: E. Nedelcu, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: bugatti GmbH (Herford, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark B — European Union trade mark No 13 545 181

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 14 December 2018 in related Cases R 49/2018-1 and R 85/2018-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and maintain the trade mark EUTM-013545181 validly registered as it was registered on 05/05/2016 for all the goods and services;

— order EUIPO to pay the judicial costs.

Pleas in law

— Inapplicability of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Absence of proof concerning the breach of the public interest.

Action brought on 4 April 2019 — BF v Commission

(Case T-190/19)

(2019/C 213/42)

Language of the case: German

Parties

Applicant: BF (represented by: S. Gesterkamp, lawyer, and C. König, Professor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare that, as from 18 December 2018, the date of electronic service of the applicant's second letter requesting the defendant to act, the defendant failed through inaction to fulfil its obligation to issue a decision, to be sent to the applicant as a complainant, closing the preliminary examination procedure in State aid case SA.48706 (RVV Rostocker Versorgungs- und Verkehrs-Holding GmbH and Nordwasser GmbH), that is, either a decision to initiate the formal investigation procedure or a decision not to initiate that procedure;

— order the defendant to pay the costs of the proceedings; and

— as a precaution and in the alternative, should the defendant remedy its failure to act after the action has been brought, order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The action is based on the following pleas in law.

The applicant claims, first of all, that the requirements of an action for failure to act have been met, in particular because the factual circumstances were, on the date of service of the second letter requesting the defendant to act, such as to permit a decision closing the preliminary examination procedure under Article 4 of Regulation (EU) 2015/1589. ([1])

The applicant further submits that the defendant, in its administrative letter of 17 December 2018, merely normatively stated a legal monopoly in favour of Nordwasser GmbH, commissioned by means of an in-house transaction, which could rule out a distortion of competition within the meaning of Article 107(1) TFEU, without thereby addressing factual issues such as the factual precondition of favourable treatment.

The applicant also claims that, in submitting its complaint, it had already disproved at an earlier stage of the procedure that a legal monopoly had been formed in accordance with EU law. In any event, the defendant should have expressed its view purely legally on the basis of the established facts and, consequently, at least have issued an actionable decision not to initiate the procedure under Article 4(2) of Regulation (EU) 2015/1589 by no later than December 2018.

([1]) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

Action brought on 4 April 2019 — AZ v Commission

(Case T-196/19)

(2019/C 213/43)

Language of the case: German

Parties

Applicant: AZ (represented by: represented by F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

   In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

   In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

   It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 4 April 2019 — BA v Commission

(Case T-198/19)

(2019/C 213/44)

Language of the case: German

Parties

Applicant: BA (represented by: represented by F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 5 April 2019 — BB v Commission

(Case T-200/19)

(2019/C 213/45)

Language of the case: German

Parties

Applicant: BB (represented by: F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

   In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

   In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

   It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 5 April 2019 — BC v Commission

(Case T-201/19)

(2019/C 213/46)

Language of the case: German

Parties

Applicant: BC (represented by: F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 5 April 2019 — BD v Commission

(Case T-205/19)

(2019/C 213/47)

Language of the case: German

Parties

Applicant: BD (represented by: F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

   In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

   In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

   It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 5 April 2019 — Società Agricola Tenuta di Rimale and Others v Commission

(Case T-210/19)

(2019/C 213/48)

Language of the case: Italian

Parties

Applicants: Società Agricola Tenuta di Rimale s.s. (Fidenza, Italy) and another nine applicants (represented by: M. Libertini, A. Scognamiglio and M. Spolidoro, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the General Court should annul the contested Commission notice and order a re-examination of the reasons set out in the submitted complaint. That re-examination must be made on the basis of a different and more accurate interpretation of Article 150 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products, ([1]) and a more extensive investigation which will expose the unconvincing and inconsistent nature of the reasoning put forward by the Consorzio [del Formaggio Parmigiano Reggiano], in order to confirm *sine die* that the regulation of the supply of milk for the production of PDO (Protected Designation of Origin) 'Parmigiano Reggiano' cheese is discriminatory and unjustified.

Pleas in law and main arguments

The present action is brought against the notice of 6 February 2019 issued by the Commission's Directorate-General for Agriculture and Rural Development, which decided to close the file on the complaint submitted by the applicants on 5 February 2018 by which they claimed that Decreto del Ministero delle Politiche Agricole, Alimentari e Forestali, del 15 dicembre 2016, n. 6762 (Decree No 6762 of the Ministry of Agriculture, Food and Forestry of 15 December 2016), approving the plan for the regulation of the supply of 'Parmigiano-Reggiano' cheese for the three-year period from 2017 to 2019 inclusive, was unlawful, as was Decreto del Ministero delle Politiche Agricole, Alimentari e Forestali, del 19 settembre 2017, n. 5320 (Decree No 5320 of the Ministry of Agriculture, Food and Forestry of 19 September 2017), which approved amendments to the plan for the regulation of the supply of 'Parmigiano-Reggiano' cheese for the three-year period from 2017 to 2019 inclusive.

In support of the action, the applicants rely on three pleas in law.

1. First plea in law, alleging misinterpretation of Article 150 of Regulation (EU) No 1308/2013 as regards establishing the qualified majority of producers concerned by the proposed regulation of supply.

2. Second plea in law, alleging misinterpretation of Article 150 of Regulation (EU) No 1308/2013 as regards the need to establish the substantive criteria for market imbalance for the purpose of adopting temporary supply regulation measures, and as regards the need for an adequate accompanying statement of reasons.

3. Third plea in law, alleging misinterpretation of Article 150 of Regulation (EU) No 1308/2013 as regards the prohibition of discriminatory plans for regulation of supply.

([1]) OJ 2013 L 347, p. 608.

Action brought on 8 April 2019 — Klöckner Pentaplast v Commission

(Case T-231/19)

(2019/C 213/49)

Language of the case: German

Parties

Applicant: Klöckner Pentaplast GmbH (Heiligenroth, Germany) (represented by: N. Voß and D. Fouquet, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

   In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

   In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

   It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of the protection of legitimate expectations

   In the second plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

Action brought on 8 April 2019 — H&R Ölwerke Schindler v Commission

(Case T-232/19)

(2019/C 213/50)

Language of the case: German

Parties

Applicant: H&R Ölwerke Schindler GmbH (Hamburg, Germany) (represented by: F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 9 April 2019 — Infineon Technologies Dresden v Commission

(Case T-233/19)

(2019/C 213/51)

Language of the case: German

Parties

Applicant: Infineon Technologies Dresden GmbH & Co. KG (Dresden, Germany) (represented by: L. Assmann and M. Peiffer, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision, notified under document C(2018) 3166 (OJ 2019 L 14, p. 1), of 28 May 2018 on aid scheme SA.34045 (2013/C) (ex 2012/NN) implemented by Germany for baseload consumers under Paragraph 19 of the Stromnetzentgeltverordnung (Regulation on electricity network charges, 'the StromNEV'); and

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The application is based on one plea in law, arguing that the contested decision is unlawful because the exemption from the network charges under the second sentence of Paragraph 19(2) of the StromNEV is not State aid within the meaning of Article 107 et seq. TFEU.

In this regard, the applicant first argues that the exemption from network charges granted on the basis of Paragraph 19(2) of the StromNEV was not granted through State resources within the meaning of Article 107(1) TFEU but was financed through German electricity grid operators which are organised under private law and are not attributable to the State. Neither does the effect of the disputed surcharge equate to a levy on electricity consumption in Germany. In addition, the Federal Republic of Germany has no control over the transmission system operators which are entrusted with the management of these resources.

It is further claimed that the exemption from network charges on the basis of Paragraph 19(2) of the StromNEV differs in significant aspects from the underlying circumstances in Cases C-206/06, Essent Netwerk Noord and Others and C-262/12, Vent De Colère!. The disputed case is comparable, however, with the surcharge in Case C-405/16 P, Germany v Commission, and therefore not classifiable as aid.

Action brought on 9 April 2019 — Infineon Technologies v Commission

(Case T-234/19)

(2019/C 213/52)

Language of the case: German

Parties

Applicant: Infineon Technologies AG (Neubiberg, Germany) (represented by: L. Assmann and M. Peiffer, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision, notified under document C(2018) 3166 (OJ 2019 L 14, p. 1), of 28 May 2018 on aid scheme SA.34045 (2013/C) (ex 2012/NN) implemented by Germany for baseload consumers under Paragraph 19 of the Stromnetzentgeltverordnung (Regulation on electricity network charges, 'the StromNEV'); and

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The application is based on one plea in law, arguing that the contested decision is unlawful because the exemption from the network charges under the second sentence of Paragraph 19(2) of the StromNEV is not State aid within the meaning of Article 107 et seq. TFEU.

In this regard, the applicant first argues that the exemption from network charges granted on the basis of Paragraph 19(2) of the StromNEV was not granted through State resources within the meaning of Article 107(1) TFEU but was financed through German electricity grid operators which are organised under private law and are not attributable to the State. Neither does the effect of the disputed surcharge equate to a levy on electricity consumption in Germany. In addition, the Federal Republic of Germany has no control over the transmission system operators which are entrusted with the management of these resources.

It is further claimed that the exemption from network charges on the basis of Paragraph 19(2) of the StromNEV differs in significant aspects from the underlying circumstances in Cases C-206/06, Essent Netwerk Noord and Others and C-262/12, Vent De Colère!. The disputed case is comparable, however, with the surcharge in Case C-405/16 P, Germany v Commission, and therefore not classifiable as aid.

Action brought on 8 April 2019 — GTP v Commission

(Case T-237/19)

(2019/C 213/53)

Language of the case: German

Parties

Applicant: GTP — Glastechnik Piesau GmbH & Co. KG (Neuhaus am Rennweg, Germany) (represented by: F. Wagner and N. Voß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 (OJ 2019 L 14, p. 1) in respect of the years 2012 and 2013;

— in the alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in respect of the years 2012 and 2013;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges, baseload consumers with at least 7 500 annual hours of use repay more than 15 % of the published network charges, and baseload consumers with at least 8 000 annual hours of use repay more than 10 % of the published network charges;

— in the further alternative, annul Decision SA.34045 (2013/C) (ex 2012/NN) of 28 May 2018 notified under document C(2018) 3166 as against the applicant in so far as it orders that baseload consumers with at least 7 000 annual hours of use repay more than 20 % of the published network charges; and

— order the defendant to pay the costs, including lawyers' fees and travel expenses.

Pleas in law and main arguments

The application is based on the following grounds.

1. Wrongful presumption of the existence of State aid for the purposes of Article 107(1) TFEU

In the first plea in law, it is claimed that the defendant erred in law in its examination of the contested exemption from network charges by presuming the use of State resources.

In addition, in the examination of the 'selectivity' criterion, the reference system was incorrectly and incompletely identified.

It is further claimed that, because of the incomplete identification of the reference system, the defendant failed to comply with its obligation to state reasons under the second paragraph of Article 296 TFEU.

2. Infringement of the principle of equal treatment

In the second plea in law, it is alleged that the defendant's decision provided for the obligation to make additional payments only for baseload consumers who were fully exempted from network charges in the years 2012 and 2013. Those baseload consumers were therefore unequally treated and unfairly disadvantaged vis-à-vis baseload consumers who, over the same period, enjoyed flat-rate network charge reductions and for whom there were no obligations to make additional payments.

In that respect, it is further claimed that the defendant, with regard to the unequal treatment, failed to comply with its obligation to state reasons under the second paragraph of Article 263 TFEU and Article 42(2)(c) of the Charter of Fundamental Rights of the European Union. Furthermore, the unequal treatment infringed the principle of non-discrimination under Article 32(1) of Directive 2009/72/EC. ([1])

3. Infringement of the principle of the protection of legitimate expectations

In the third plea in law, it is claimed that, in view of the particular circumstances, the applicant could expect to be allowed to retain the special network charges granted.

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Action brought on 9 April 2019 — Wepa Hygieneprodukte and Others v Commission

(Case T-238/19)

(2019/C 213/54)

Language of the case: German

Parties

Applicants: Wepa Hygieneprodukte GmbH (Arnsberg, Germany), Wepa Leuna GmbH (Leuna, Germany), Wepa Papierfabrik Sachsen GmbH (Arnsberg) (represented by: H. Janssen and A. Vallone, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the decision of the European Commission, notified under document C(2018) 3166 (OJ 2019 L 14, p. 1), of 28 May 2018 on aid scheme SA.34045 (2013/C) (ex 2012/NN) implemented by Germany for baseload consumers under Paragraph 19 of the Stromnetzentgeltverordnung (Regulation on electricity network charges); and

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The application is based on one plea in law, arguing that the exemption from network usage charges is not aid within the meaning of Article 107(1) TFEU.

In that regard, the applicants first claim that the exemption from network usage charges did not entail the use of State or State-granted resources. It is further claimed that the defendant erred when considering that the Paragraph 19 surcharge constitutes a 'levy' or 'parafiscal levy' imposed by the State on end-users within the meaning of the judgment of 17 July 2008, Essent Netwerk Noord and Others (C-206/06, EU:C:2008:413).

It is further submitted that the baseload consumers were not granted a selective advantage.

Action brought on 9 April 2019 — A9.com v EUIPO (Device of a bell icon)

(Case T-240/19)

(2019/C 213/55)

Language of the case: English

Parties

Applicant: A9.com, Inc. (Palo Alto, California, United States) (represented by: A. Klett and C. Mikyska, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union figurative mark (Representation of device of a bell icon — Application for registration No 17 868 712)

Contested decision: Decision of the Second Board of Appeal of EUIPO of 4 February 2019 in Case R 1309/2018-2

Form of order sought

The applicant claims that:

— The Court annuls the contested decision.

— The respondent must pay the costs of the proceedings before the General Court and the proceedings before the Board of Appeal including the necessary expenses of Applicant in both proceedings.

Pleas in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Articles 7(1)(c) and 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 10 Avril 2019 — Cambodia and CRF/Commission

(Case T-246/19)

(2019/C 213/56)

Language of the case: English

Parties

Applicants: Kingdom of Cambodia and Cambodia Rice Federation (CRF) (Phnom Penh, Cambodia) (represented by: R. Antonini, E. Monard and B. Maniatis, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul Commission Implementing Regulation (EU) 2019/67 of 16 January 2019; ([1]) and

— order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on six pleas in law.

1. First plea in law, alleging that the limitation of the notion of European Union producers to those producers of the like or directly competing products that are manufactured using raw materials (paddy rice) produced in the European Union violates Article 22(1) and 23 of Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012. ([2]) In the alternative, the defendant's approach would have violated Article 22(2) of Regulation No 978/2012.

2. Second plea in law, alleging that by relying on incorrect or inaccurate data or data that would have not been related specifically to the like product, the defendant would have failed to assess properly the 'serious difficulties', in violation of Article 23 of Regulation No 978/2012. This would have made it impossible to assess properly if the conditions of Article 22(1) of Regulation (EU) No 978/2012 are met in relation to the like product as defined in Article 22(2) of Regulation No 978/2012.

3. Third plea in law, alleging that the defendant carried out a comparison of the Cambodian import prices and the European Union prices in a way that would have violated Article 22(1) and 23 of Regulation No 978/2012.

4. Fourth plea in law, alleging that the defendant's causation analysis violates Article 22(1) of Regulation No 978/2012 as the serious difficulties faced by the European Union industry would have not been a sufficiently direct consequence of the Cambodian imports' volume and prices. To the extent that the Regulation 2019/67 would rely on a cumulative analysis, it would also violate Article 22(1) of Regulation No 978/2012.

5. Fifth plea in law, alleging that the defendant failed to disclose several essential facts or considerations or details underlying such essential facts or considerations in violation of Articles 17(1), (2), (3) and (4) of the Commission Delegated Regulation (EU) No 1083/2013 of 28 August 2013, ([3]) Article 38 of Regulation No 978/2012 and the applicants' rights of defence.

6. Sixth plea in law, alleging that the constituted file is largely deficient and would miss important sets of information. This would constitute a violation of Article 14 of Commission Delegated Regulation No 1083/2013, Article 38 of Regulation No 978/2012 and the applicants' rights of defence.

([1]) Commission Implementing Regulation (EU) 2019/67 of 16 January 2019 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma (OJ L 15, 17.1.2019, p. 5).

([2]) Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 (OJ L 303, 31.10.2012, p. 1).

([3]) Commission Delegated Regulation (EU) No 1083/2013 of 28 August 2013 establishing rules related to the procedure for temporary withdrawal of tariff preferences and adoption of general safeguard measures under Regulation (EU) No 978/2012 of the European Parliament and the Council applying a scheme of generalised tariff preferences (OJ L 293, 5.11.2013, p. 16).

Action brought on 12 April 2019 — Bilde v Parliament

(Case T-248/19)

(2019/C 213/57)

Language of the case: French

Parties

Applicant: Dominique Bilde (Lagarde, France) (represented by: F. Wagner, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

— annul the decision of the European Parliament P8_TA-PROV(2019)0137, of 12 March 2019, on the request for the waiver of the immunity of the applicant 2018/2267(IMM), and which actually waived the applicant's immunity;

— order the Parliament to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging infringement of Article 9 of Protocol (No 7) on the privileges and immunities of the European Union (OJ 2010 C 83, p. 266), of Article 5(1) and (5) of the Rules of Procedure of the European Parliament (OJ 2005 L 44, p. 1) and of the Communications to Members Nos 11/2003 and 22/2016.

2. Second plea in law, alleging an abuse of process, more specifically, infringement of Article 43 of the Communication to Members No 11/2016, inasmuch as the underlying purpose of the charges is to damage the applicant's political activity, which constitutes a case of *fumus persecutionis* against him.

3. Third plea in law, alleging infringement of the general principles of EU law '*ne bis in idem*' and '*electa una via*', an abuse of process and a misuse of powers.

Action brought on 15 April 2019 — Wieland-Werke/Commission

(Case T-251/19)

(2019/C 213/58)

Language of the case: English

Parties

Applicant: Wieland-Werke AG (Ulm, Germany) (represented by: U. Soltész, C. von Köckritz and K. Winkelmann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the European Commission in Case M.8900 — Wieland/Aurubis Rolled Products/Schwermetall of 5 February 2019;

— order the European Commission to pay the applicant's costs of the present proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on eleven pleas in law.

1. First plea in law, alleging that the Commission made manifest errors by basing the contested decision on the flawed concept of a so-called 'high-end' sub-segment instead of basing the contested decision on the relevant market for rolled copper products as defined by the Commission itself.

2. Second plea in law, alleging that the Commission provided neither a definition nor a clear-cut delineation of the so- called 'high-end' sub-segment, which it — untenably — based its assessment on. The Commission's approach is manifestly erroneous and speculative.

3. Third plea in law, alleging that the Commission made manifest errors of assessment by contradicting its own findings in the clearance decision in case M.8909 — KME/MKM.

4. Fourth plea in law, alleging that the Commission applied an unprecedented and untenable theory of harm *sui generis* inappropriately linking horizontal and non-horizontal effect and mixing up clear and strict guidance provided by the merger guidelines.

5. Fifth plea in law, alleging that the Commission made manifest errors in the competitive assessment of its alleged horizontal concern blatantly failing to investigate obvious facts in establishing the competitive landscape of the relevant market.

6. Sixth plea in law, alleging that the Commission's assessment regarding the switching possibilities of customers is manifestly erroneous.

7. Seventh plea in law, alleging that the Commission alleges price increases due to the transaction without having provided any respective evidence.

8. Eighth plea in law, alleging that the Commission committed manifest errors in its assessment of the change from joint to sole control over Schwermetall. In particular, the Commission failed to take the necessary investigative steps.

9. Ninth plea in law, alleging that the Commission committed manifest errors in the assessment of the commitments offered by the applicant.

10. Tenth plea in law, alleging that the Commission's handling of the remedy procedure and of the market test was not compliant with due process.

11. Eleventh plea in law, alleging that the Commission has violated essential procedural requirements and due process. It refused to market test the first two commitments and launched the market test far too late in the process.

Action brought on 15 April 2019 — Pech v Council

(Case T-252/19)

(2019/C 213/59)

Language of the case: English

Parties

Applicant: Laurent Pech (London, United Kingdom) (represented by: O. Brouwer and T. McGrath, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul the Council decision contained in a letter to the applicant of 12 February 2019 refusing full access to document ST 13593 2018 INIT (legal opinion of Council legal service of 25 October 2018), pursuant to Articles 4(2) and 4(3) of Regulation 1049/2001, ([1]);

— in subsidiary order, order the Council to grant wider partial access to document ST 13593 2018 INIT, pursuant to Article 4(6) of Regulation 1049/2001; and

— order the Council to pay the applicant's costs, including the costs of any intervening parties.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging an error in law and misapplication of the second indent of Article 4(2) of Regulation 1049/2001.

   — It is argued that the Council failed to demonstrate that the requested document contained legal advice.

   — The applicant further argues that the Council misinterpreted and misapplied Article 4(2), second indent, of Regulation 1049/2001, by not taking into account the provisions of EU primary law summarised in the application as well as the principle that EU legislative documents are subject to the widest possible access, while also relying on vague and subjective notions not provided for in EU law to justify non-disclosure.

   — The Council committed an error in law and misapplied the overriding public interest test.

2. Second plea in law, alleging an error in law and misapplication of Article 4(3), first paragraph, of Regulation 1049/2001.

   — The applicant argues that the Council failed to show that full disclosure would specifically and effectively undermine the decision-making process in question.

   — The Council misinterpreted and misapplied Article 4(3), first paragraph, of Regulation 1049/2001 and the case-law of the EU Courts, by ignoring the provisions of EU primary law summarised in the application and the principle that EU legislative documents are subject to the widest possible access.

   — The Council failed to properly assess the public interest in disclosure.

3. Third plea in law, a subsidiary plea, alleging that, should the exceptions relied upon be applicable to the requested document, the Council breached Article 4(6) of Regulation 1049/2001, in that it evidently failed to fulfil its obligation to grant the (proper and required) partial access it should have granted to the requested document under the said Article 4(6), by withholding access to the entire section on the legal analysis.

(1) Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p.43).

Action brought on 15 April 2019 — BG v Parliament

(Case T-253/19)

(2019/C 213/60)

Language of the case: English

Parties

Applicant: BG (represented by: L. Levi, A. Champetier and A. Tymen, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

— annul the European Parliament's decision of 18 May 2018 terminating the applicant's contract;

— if needed, annul the European Parliament's decision of 4 January 2019 rejecting the applicant's complaint of 16 August 2018, notified on 9 January 2019;

— order the defendant to compensate the applicant for the non-material damage suffered as a result of the fault of the defendant, evaluated at the sum of EUR 50 000;

— order the defendant to bear the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging breach of the duty to state reasons and of the procedural rules applicable in the case of termination of the contract in question.

2. Second plea in law, alleging violation of Articles 12a and 24 of the Staff Regulations and in this connection infringement of the right to have one's affairs handled impartially and fairly, violation of the duty to act diligently and manifest error of assessment.

Action brought on 12 April 2019 — Al-Tarazi v Council

(Case T-260/19)

(2019/C 213/61)

Language of the case: English

Parties

Applicant: Mazen Al-Tarazi (Shuwaikh, Kuwait) (represented by: G. Beck and A. Khan, Barristers, and S. Patel, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— declare Article 1 of Council Implementing Regulation (EU) 2019/85 of 21 January 2019 ([1]) and Article 1 of Council Implementing Decision (CFSP) 2019/87 of 21 January 2019 ([2]) inapplicable to the applicant;

— annul, insofar as it concerns the applicant, Council Implementing Regulation 2019/85 and Council implementing Decision 2019/87;

— declare that the applicant's name be removed from the Annex (at number 266 thereto) of Council Implementing Regulation 2019/85 and from the Annex (at number 266 thereto) of Council Implementing Decision 2019/87; and

— order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the defendant has provided insufficient or unsubstantiated reasons for the applicant's designation.

2. Second plea in law, alleging that the applicant's designation is based on a manifest error of assessment of the facts, in so far as the defendant would have failed to adduce evidence of the facts indicated which would underpin or would purportedly underpin the reasoning of the measures taken or in so far as the defendant would have drawn unreasonable inferences from these facts.

3. Third plea in law, alleging that the applicant's designation violates the applicant's right of defence.

4. Fourth plea in law, alleging that the applicant's designation violates the applicant's property rights, freedom to trade and the principle of proportionality.

([1]) Council Implementing Regulation (EU) 2019/85 of 21 January 2019 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L 18I, 21.1.2019, p. 4).
([2]) Council Implementing Decision (CFSP) 2019/87 of 21 January 2019 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ L 18I, 21.1.2019, p. 13).

Action brought on 22 April 2019 — Imagina Media Audiovisual and Others v Commission

(Case T-268/19)

(2019/C 213/62)

Language of the case: English

Parties

Applicants: Imagina Media Audiovisual, SA (Barcelona, Spain), Imagina EU (Brussels, Belgium), dpa Deutsche Presse-Agentur GmbH (Hamburg, Germany) (represented by: P. Kuypers, N. Groot, B. Vitez, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the decision of the Commission dated 12 February 2019 with reference Ares(2019)856949 on the exclusion of IMAGINA MEDIA AUDIOVISUAL SL from the procurement and grant award procedures governed by Regulation (EU, Euratom) nº 2018/1046 of the European Parliament and of the Council, ([1]) to the extent that it excluded the Imagina/dpa Consortium or rejected its bids;

— annul the decision of the Commission dated 9 April 2019 with reference Ares(2019)2494476 in so far as it should be considered the decision to exclude the Consortium from the tender with reference number PO/2018-05/A4 or rejected its bids;

— annul the act(s) by which the Commission awards the contracts, or allows a party other than the Imagina/dpa Consortium to execute the audiovisual coverage of EU current affairs, related to Lots I, III and VI as described in the Tender;

— order the Commission to compensate the Consortium for the damage that the Commission caused by preventing the Consortium to execute the contracts for Lots I, III and VI;

— order the Commission to pay the applicants' costs.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging that the Commission committed a manifest error of assessment by failing to recognise that the exclusion of Imagina Media Audiovisual SL — being one of the members of the Consortium — has no effect on the execution of the contract regarding Lots I, III and VI of the Tender by the Consortium. Nor does the exclusion of Imagina Media Audiovisual SL have any effect on the decisions by which the Commission awarded these contracts to the Consortium.

2. Second plea in law, alleging that the Commission committed a manifest error of assessment by failing to correctly apply the tender documents. Consequently, the Commission did not require the Consortium to replace Imagina Media Audiovisual SL with another entity to form part of the Consortium, as was required by the tender documents.

3. Third plea in law, alleging that the Commission committed a manifest error of assessment by failing to apply correctly Article 136(9) of Regulation 2018/1046. Consequently, the authorising officer of the Commission did not require the Consortium to replace Imagina Media Audiovisual SL with another entity to form part of the Consortium, as was required by Regulation 2018/1046.

4. Fourth plea in law, alleging that the Commission infringed the Consortium's right to an effective remedy, and the principle of sound administration. The Commission unlawfully used its decision dated 12 February 2019 with reference Ares(2019) 856949 on the exclusion of Imagina Media Audiovisual SL or its letter dated 9 April 2019 with reference Ares(2019) 2494476 to exclude the Consortium from the tender with reference number PO/2018-05/A4.

5. Fifth plea in law, alleging that the Commission infringed the Consortium's right to an effective remedy, the Commission's obligation to state reasons and the principle of sound administration. The Commission committed procedural errors and illegally awarded the contracts for Lots I, III and VI of the tender with reference number PO/2018-05/A4 to a tenderer other than the Consortium.

6. Sixth plea in law, alleging that the Commission caused damages to the Consortium by the unlawful conduct on the part of the Commission as a consequence whereof the Consortium cannot execute the contracts for Lots I, III and VI of the tender with reference number PO/2018-05/A4.

([1]) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p.1.

Action brought on 22 April 2019 — Imagina Media Audiovisual v Commission

(Case T-269/19)

(2019/C 213/63)

Language of the case: English

Parties

Applicant: Imagina Media Audiovisual, SA (Barcelona, Spain) (represented by: P. Kuypers, N. Groot, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the Commission decision Ares(2019)856949, whereby the Commission imposed a two-year exclusion on the applicant and registered the applicant in the early detection and exclusion database ([1]);

— order the Commission to compensate the applicant for the damage caused by the contested decision;

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging that the Commission errs in law by failing to conduct its own review or analysis, solely relying on the findings of the US Department of Justice without own proper review and incorrectly interpreting the findings of the US Department of Justice. As a result, the Commission makes an error of assessment of the facts and thus breaching the duty of care.

2. Second plea in law, alleging that the Commission wrongfully excludes the applicant, therefore breaching Article 136(1)(c) of Regulation 2018/1046 and the rights of defence of the applicant by not clearly stating what exactly constitutes grave professional misconduct. Furthermore, the Commission allegedly errs in stating that the applicant is also excluded from on-going tenders since this does not follow from the operative part of the contested decision, by excluding the applicant for conduct related to media and marketing rights in sports in a tender for audio-visual coverage of EU current affairs since these are different markets that do not impact each other so that the reliability of the applicant in contracts for the European Union can be demonstrated, and in deciding that the applicant should be excluded since it did not have sufficient evidence to reach the

contested decision and the non-prosecution agreement of the applicant with the US Department of Justice does not state that the applicant or its CEO's are guilty.

3. Third plea in law, alleging that the Commission errs in law by deciding that the exclusion would be proportional within the meaning of Article 136(3) Regulation 2018/1046 and thereby disregarding lack of impact on the financial interests and image of the Union and the time elapsed since the conduct.

4. Forth plea in law, alleging that the Commission erred in deciding that the remedial measures taken by the Applicant are provisional and are insufficient having regard to Article 136(6)(a) in conjunction with 136(7) Regulation 2018/1046.

5. Fifth plea in law, alleging that the Commission breaches the fundamental principle of equal treatment by treating the Applicant differently than other tenderers who concluded non-prosecution agreement with the US Department of Justice.

6. Sixth plea in law, alleging that the Commission caused damages to the applicant by unlawfully deciding that the applicant should be excluded from the procurement grant procedures governed by Regulation 2018/1046.

([1]) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p.1.

Action brought on 23 April 2019 — Amazon Technologies v EUIPO (ring)

(Case T-270/19)

(2019/C 213/64)

Language of the case: English

Parties

Applicant: Amazon Technologies, Inc. (Seattle, Washington, United States) (represented by: A. Klett and C. Mikyska, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the figurative mark 'ring' — Application for registration No 1 401 009

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 12 February 2019 in Case R 2211/2018-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order the respondant to pay the costs of the proceedings before the General Court and of the proceedings before the EUIPO Board of Appeal including the necessary expenses of Applicant in both proceedings.

Pleas in law

— Having refused protection for the mark in question, the Board of Appeal has infringed Articles 7(1)(b) and (c) (2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 25 April 2019 — TO v EEAS

(Case T-272/19)

(2019/C 213/65)

Language of the case: French

Parties

Applicant: TO (represented by: G. Generet, lawyer)

Defendant: European External Action Service

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the AECE of the EEAS of 15 June 2018 finding that the applicant does not fulfil all the conditions of employment provided for in Article 82 of the CEOS and cannot be engaged as an Article 3b contract staff member in the EEAS;

— Annul the decision of the AECE of the EEAS of 14 January 2019 rejecting the complaint lodged by the applicant on 14 September 2018;

— Order the EEAS to pay the applicant compensation assessed at EUR 36 992.52 corresponding to one year's remuneration under a CA FG II contract in accordance with the salary scale in force from 1 November 2017, subject to more precise calculation during the proceedings;

— Order the EEAS to calculate the loss in terms of pension entitlement resulting from the applicant not being recruited;

— Order the EEAS to pay the applicant compensation of EUR 15 000 by way of compensation for non-material damage resulting from the harm to her dignity and professional reputation;

— Order the EEAS to pay the applicant compensation of EUR 15 000 by way of compensation for non-material damage resulting from the harm to her health and well-being;

— Order the EEAS to pay the applicant compensation of EUR 15 000 by way of compensation for non-material damage resulting from the infringement by the EEAS of Regulation No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;

— Order the EEAS to pay the applicant compensation of EUR 10 000 by way of compensation for non-material damage resulting from breach of medical confidentiality and the confidential nature of personal data in the applicant's medical file;

— Order the EEAS to pay the applicant compensation of EUR 15 000 by way of compensation for non-material damage resulting from slander and/or defamation in respect of the applicant;

— Order the EEAS to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of the second paragraph of Article 33 of the Staff Regulations of Officials of the European Union and Articles 82 and 83 of the Conditions of Employment of Other Servants of the European Union, the principles of proportionality and the right to be heard, the right to good administration and the duty of care, the principle of non-discrimination and the right to be treated fairly and impartially and the prohibition of psychological harassment.

2. Second plea in law, alleging infringement of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1) and of Article 8 of the Charter of Fundamental Rights of the European Union.

Action brought on 24 April 2019 — Target Ventures Group v EUIPO — Target Partners (TARGET VENTURES)

(Case T-274/19)

(2019/C 213/66)

Language of the case: English

Parties

Applicant: Target Ventures Group Ltd (Road Town, British Virgin Islands) (represented by: T. Dolde, P. Homann, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Target Partners GmbH (Munich, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark TARGET VENTURES — Application for registration No 13 685 565

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 4 February 2019 in Case R 1685/2017-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including the costs incurred in the proceedings before the Cancellation Division and the Second Board of Appeal of EUIPO.

Pleas in law

— Infringement of Article 53(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 24 April 2019 — PNB Banka and Others v ECB

(Case T-275/19)

(2019/C 213/67)

Language of the case: English

Parties

Applicants: PNB Banka AS (Riga, Latvia), CR (*), CT (*) (represented by: O. Behrends, and M. Kirchner, lawyers)

(*) Information erased or replaced within the framework of protection of personal data and/or confidentiality.

Defendant: European Central Bank (ECB)

Form of order sought

The applicants claim that the Court should:

— annul the ECB's decision of 14 February 2019 to conduct an on-site inspection on the premises of PNB Banka AS and its group companies;

— order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on ten pleas in law.

1. First plea in law, alleging that the ECB was not the competent supervisory authority with respect to PNB Banka AS at the time of the decision to conduct the on-site inspection.

2. Second plea in law, alleging that the contested decision was not 'necessary' within the meaning of Article 12 of the SSM Regulation. ([1])

3. Third plea in law, alleging that the ECB failed to duly exercise its discretion pursuant to Article 12(1) of the SSM Regulation.

4. Fourth plea in law, alleging that the ECB violated the principle of proportionality.

5. Fifth plea in law, alleging that the ECB violated the applicants' rights to be heard.

6. Sixth plea in law, alleging that the ECB violated its obligation to examine and appraise carefully and impartially all the relevant aspects of the individual case.

7. Seventh plea in law, alleging that the ECB violated the obligation to provide adequate reasoning for its decision.

8. Eighth plea in law, alleging that the ECB violated the principles of legitimate expectations and legal certainty.

9. Ninth plea in law, alleging that the ECB violated the principle of equal treatment and acted in a discriminatory manner with respect to the applicants.

10. Tenth plea in law, alleging that the ECB violated Article 19 of and recital 75 to the preamble of the SSM Regulation and committed a *détournement de pouvoir*.

([1]) Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ 2013 L 287, p. 63).

Action brought on 26 April 2019 — BK v European Asylum Support Office

(Case T-277/19)

(2019/C 213/68)

Language of the case: Greek

Parties

Applicant: BK (represented by: B. Christianos, A. Skoulikis and D. Karagkounis, lawyers)

Defendant: European Asylum Support Office (EASO)

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision of the appointing authority, the content of which is set out in the email of 20 September 2018 from the head of the Administration Department, and the implied decision of the appointing authority rejecting the applicant's complaint. Consequently, EASO must take the measures necessary to implement the decision of the Court, in accordance with Article 266 TFEU, with retroactive effect;

— Order the defendant to pay all the applicant's costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging infringement of the principle of the protection of legitimate expectations.

2. Second plea in law, alleging a failure to state reasons and, therefore, breach of an essential procedural requirement within the meaning of Article 263 TFEU.

3. Third plea in law, alleging an inadequate statement of reasons for the contested decision, which contains a substantive error.

4. Fourth plea in law, alleging an error of law in that the decision did not take account of the interests of the service and the duty of the Administration to have regard for the welfare of its staff.

Action brought on 26 April 2019 — Aurora v CPVO — SESVanderhave (M 02205)

(Case T-278/19)

(2019/C 213/69)

Language of the case: English

Parties

Applicant: Aurora Srl (Padova, Italy) (represented by: L.-B. Buchman, lawyer)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: SESVanderhave NV (Tienen, Belgium)

Details of the proceedings before CPVO

Proprietor of the Community plant variety right at issue: Other party to the proceedings before the Board of Appeal

Community plant variety right at issue: Community Plant Variety Right No. EU 15118, sugar beet variety M 02205

Procedure before CPVO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Board of Appeal of CPVO of 27 February 2019 in Case R A010/2013-RENV

Form of order sought

The applicant claims that the Court should:

— declare that the contested decision misapplied the judgment of the General Court (Fifth Chamber) of 23 November 2017 in case T-140/15;

— alter the contested decision, reverse CPVO Decision NN010 of 23 September 2013 and validate the challenge to the validity of CPVR No. EU 15118 raised by the applicant on 28 August 2012;

and as a consequence:

— declare that CPVR No. EU 15118 is *ab initio* null and void;

— order the defendant to pay the applicant's costs pursuant to Article 87 of the Rules of Procedure of the General Court, including the costs of any intervening parties.

Pleas in law

— Violation of the principles of legal certainty and legitimate expectations;

— Dereliction of duty and denial of justice.

Action brought on 30 April 2019 — Highgate Capital Management v Commission

(Case T-280/19)

(2019/C 213/70)

Language of the case: English

Parties

Applicant: Highgate Capital Management LLP (London, United Kingdom) (represented by: M. Struys, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the Commission decision rejecting the applicant's complaint (Case SA.53105 — Alleged aid to Eurobank Ergasias through sale of Piraeus Bank Bulgaria) at least insofar as it relates to the breaches of the restructuring commitments in Case SA.43364 and Case SA.43363;

— order the Commission to bear the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging that the Commission's decision breached essential procedural requirements and violated the following:

   — Article 24(2) of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, ([1]) and point 72 of the Code of Best Practices for the Conduct of State Aid Control Procedures; ([2])

   — the applicant's right to be heard;

   — the duty to state reasons, protected under Article 296 of the Treaty on the Functioning of the European Union and Article 41(2) of the Charter of Fundamental Rights of the European Union;

   — the applicant's right to appeal, protected under Article 47 of the Charter of Fundamental Rights of the European Union.

2. Second plea in law, alleging that the Commission incorrectly concluded that (i) the commitments given in Case SA.43364 in relation to the State aid received by Piraeus Bank, and (ii) the commitments given in Case SA.43363 in relation to the State aid received by Eurobank Ergasias, did not apply *ratione temporis* since the closing of the sale of Piraeus Bank Bulgaria will take place after 31 December 2018.

([1]) OJ 2015 L 248, p. 9.

([2]) OJ 2018 C 253, p. 14.

Action brought on 30 April 2019 — Chypre v EUIPO — Filotas Bellas & Yios (Halloumi Vermion grill cheese M BELAS PREMIUM GREEK DAIRY SINCE 1927)

(Case T-281/19)

(2019/C 213/71)

Language of the case: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz QC (Queen's Counsel), S. Baran, Barrister, V. Marsland, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Filotas Bellas & Yios AE (Alexandreia Imathias, Greece)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union figurative mark Halloumi χαλούμι Vermion grill cheese/grill est/grill kase M BELAS PREMIUM GREEK DAIRY SINCE 1927 –European Union trade mark No 12 172 276

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 February 2019 in Case R 2298/2017-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— the Defendant shall bear its own costs and pay those of the Applicant for Annulment.

Pleas in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 59(1)(b) of (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 30 April 2019 — Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi v EUIPO — Filotas Bellas & Yios ((Halloumi χαλλούμι Vermion grill cheese M BELAS PREMIUM GREEK DAIRY SINCE 1927)

(Case T-282/19)

(2019/C 213/72)

Language of the case: English

Parties

Applicant: Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi (Nicosia, Cyprus) (represented by: S. Malynicz QC (Queen's Counsel), S. Baran, Barrister, and V. Marsland, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Filotas Bellas & Yios AE (Alexandreia Imathias, Greece)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union figurative mark Halloumi χαλλούμι Vermion grill cheese/grill est/grill kase M BELAS PREMIUM GREEK DAIRY SINCE 1927 — European Union trade mark No 12 172 276

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 February 2019 in Case R 2295/2017-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order the Defendant to bear its own costs and pay those of the Applicant for Annulment.

Pleas in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 59(1)(b) of (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 2 May 2019 — SGI Studio Galli Ingegneria v Commission

(Case T-285/19)

(2019/C 213/73)

Language of the case: Italian

Parties

Applicant: SGI Studio Galli Ingegneria Srl (Rome, Italy) (represented by: F. Marini, V. Catenacci and R. Viglietta, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— Find and declare that the applicant is not required to pay the sums claimed by the European Commission in Debit Note No 3241902288 received on 22 February 2019 and, most recently, in the note (Ref. Ares(2019)2858540) received on 29 April 2019, which are claimed in respect of recovery of aid and liquidated damages for Studio Galli Ingegneria's alleged failure to fulfil obligations under Grant Agreement No 619120 concerning the 'MARSOL' project.

— Find and declare that the shortcomings alleged by the Commission are non-existent.

— Find and declare that the pre-information letter of 19 December 2018, the OLAF investigation report, the debit note of 22 February 2019, the subsequent reminder of 2 April 2019 and the final note (Ref. Ares(2019)2858540) of 29 April 2019 re-determining the amount claimed and rejecting SGI's further requests are unlawful, invalid, and in any event unfounded.

— Find and declare that the debt claimed by the Commission is non-existent.

— Find and declare that the applicant is entitled to the aid that was paid by the Commission in accordance with Grant Agreement No 619120 concerning the 'MARSOL' project.

— In the alternative, find and declare that the amount to be recovered by the Commission may not exceed EUR 100 044.99.

— In the further alternative, order the Commission to pay SGI the costs it incurred in executing the 'MARSOL' project, in accordance with the provisions on unjust enrichment.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging (i) failure to observe the principle of contractual good faith, (ii) infringement of the rights of defence during the phase following the close of the investigation, (iii) infringement of the right to an effective remedy within the meaning of Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter'), (iv) infringement of the right to good administration within the meaning of Article 41 of the Charter, (v) infringement of the right of access to documents within the meaning of Article 42 of the Charter, (vi) infringement of Article II.22 of the Grant Agreement and (vii) infringement of Article 1134 of the Belgian Civil Code.

   — The applicant claims in this regard that the Commission did not take account of its request for a stay of proceedings and for access to OLAF's investigation file, but instead issued the [initial] debit note and subsequent reminders, despite the fact that the company was not in a position to comment on OLAF's final report on account of continuing internal problems. Accordingly, the Commission failed to observe the principle of contractual good faith and infringed the [applicant's] right to an effective defence both during the administrative procedure and before the General Court.

2. Second plea in law, alleging (i) non-existence of the alleged failure to fulfil obligations, (ii) non-existence of the debt claimed by the Commission, (iii) the unlawful and unfounded nature of OLAF's investigation report and, consequently, of the Commission's pre-information letter and debit notes, (iv) failure to observe the principles of the presumption of innocence, the burden of proof, and fairness as set out in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013, and (v) an error of assessment as regards the evidence and infringement of Article 1315 of the Belgian Civil Code.

   — The applicant claims in this regard that all the shortcomings on the basis of which the Commission made the request for recovery are unfounded, as per the documentation presented to the Court. Working time and personnel costs were properly accounted for as regards all the resources assigned to the project and correspond to what was requested of the Commission. There are no overlaps between resources and other funded projects. None of the other alleged shortcomings exist. OLAF's criticisms on which the Commission bases its request for recovery always refer to other projects. As a result the burden of proof has not been met.

3. Third plea in law, alleging failure to observe the principles of proportionality, fairness and contractual good faith, and infringement of Article II.22 of the Grant Agreement.

   — The applicant claims in this regard that the Commission failed to observe the principle of proportionality by claiming all of the aid granted to the applicant, despite the fact that the investigation procedure had identified inconsistencies concerning only two professionals assigned to the project. The Commission also claimed all further direct costs other than personnel costs, as well as all indirect costs.

4. Fourth plea in law, alleging, in the alternative, the right to compensation for the unjust enrichment of the European Commission.

   — According to the applicant, the conditions for bringing a claim — namely the enrichment of one of the parties to the contract and the impoverishment of the other, and a causal link between that enrichment and impoverishment — are satisfied.

Action brought on 3 May 2019 — Azarov v Council

(Case T-286/19)

(2019/C 213/74)

Language of the case: German

Parties

Applicant: Mykola Yanovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul, pursuant to Article 263 TFEU, Council Decision (CFSP) 2019/354 of 4 March 2019 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2019 L 64, p. 7) and Council Implementing Regulation (EU) 2019/352 of 4 March 2019 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2019 L 64, p. 1), in so far as they relate to the applicant;

— order specific measures of organisation pursuant to Article 64 of the Rules of Procedure of the General Court, in particular:

a) invite the Council to submit documents on the examination of the observance of the rights of the defence and of the right to effective legal protection and on the examination of the validity of the allegations; and

b) invite the EEAS to submit documents on the examination of the observance of the rights of the defence and of the right to effective legal protection;

— order the Council to pay the costs of the proceedings pursuant to Article 87(2) of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant claims that the challenged legal acts are vitiated by a manifest error of assessment.

First, the applicant complains of infringement of the defendant's formal examination obligations, in particular with regard to independent examination, examination of jurisdiction and observance of the rights of the defence and of the right to effective judicial protection. In this regard, he claims that the defendant has not complied with its obligations set out in the judgment of the General Court of 19 December 2018, *Azarov* v *Council* (C-530/17 P, EU:C:2018:1031).

Further, the applicant relies on an infringement of the defendant's duty to state reasons, as it failed to examine the validity of the allegations made against the applicant.

Action brought on 3 May 2019 — Divaro v EUIPO — Grendene (IPANEMA)

(Case T-288/19)

(2019/C 213/75)

Language in which the application was lodged: Spanish

Parties

Applicant: Divaro, SA (Oviedo, Spain) (represented by: M. Santos Quintana and M. A. Fernández Munárriz, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Grendene, SA (Sobral, Brazil)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark IPANEMA — Application for registration No 14 180 038

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 22 February 2019 in Case R 1785/2018-2

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Board of Appeal of 22 February 2019 in Case R 1785/2018-2;

— annul the decision of the Opposition Division of 10 July 2018 (opposition B 2 598 285;

— order that the opposing mark EUTM No 14 180 038 is to be registered for all the goods referred to in the application;

— order the defendant to bear its own costs and to pay the applicant's costs.

Plea in law

Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 3 May 2019 — Stada Arzneimittel v EUIPO (Representation of two curved red lines arranged one above the other)

(Case T-290/19)

(2019/C 213/76)

Language of the case: German

Parties

Applicant: Stada Arzneimittel AG (Bad Vilbel, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the figurative mark (Representation of two curved red lines arranged one above the other) — Application for registration No 1 375 540

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 13 February 2019 in Case R 1918/2018-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 3 May 2019 — Klymenko v Council

(Case T-295/19)

(2019/C 213/77)

Language of the case: French

Parties

Applicant: Oleksandr Viktorovych Klymenko (Moscow, Russia) (represented by: M. Phelippeau, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— declare the action brought by Mr Oleksandr Viktorovych Klymenko admissible;

— annul Council Decision (CFSP) 2019/354 of 4 March 2019 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine;

— annul Council Implementing Regulation (EU) 2019/352 of 4 March 2019 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine;

— order the Council of the European Union to pay the costs of the proceedings in accordance with Articles 87 and 91 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging infringement of the obligation to state reasons, in that insufficient reasons are given for the contested measures.

2. Second plea in law, alleging infringement of the rights of the defence and the right to effective judicial protection as enshrined in the fundamental principles of EU law and set out in Article 47 of the Charter of Fundamental Rights of the European Union, and of Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

3. Third plea in law, alleging a lack of legal basis, since Article 29 of the Treaty on European Union cannot provide a legal basis for the restrictive measures adopted against the applicant.

4. Fourth plea in law, alleging a manifest error of assessment, in that the applicant has provided evidence proving the lack of a sufficient factual basis for bringing criminal proceedings.

5. Fifth plea in law, alleging infringement of the right to respect for property, a fundamental principle of EU law enshrined in Article 17 of the Charter of Fundamental Rights of the European Union and in Article 1 of Additional Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Action brought on 6 May 2019 — Sumol + Compal Marcas v EUIPO — Heretat Mont-Rubi (SUM011)

(Case T-296/19)

(2019/C 213/78)

Language of the case: English

Parties

Applicant: Sumol + Compal Marcas, SA (Carnaxide, Portugal) (represented by: J. Pimenta and A. Sebastião, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Heretat Mont-Rubi, SA (Font-Rubi, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark SUM011 — Application for registration No 13 761 168

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 12 February 2019 in Case R 1662/2018-5

Form of order sought

The applicant claims that the Court should:

— alter the contested decision and order the refusal of EUTM Application No. 13 761 168 SUM011 for the remaining services in classes 35 and 39;

— order the other parties to bear the costs of the present proceedings, as well as those of the opposition and appeal proceedings before EUIPO.

Plea in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Order of the General Court of 30 April 2019 — OLX v EUIPO — Stra (STRADIA)

(Case T-508/18) ([1])

(2019/C 213/79)

Language of the case: English

The President of the Sixth Chamber has ordered that the case be removed from the register.

([1]) OJ C 373, 15.10.2018.

Order of the General Court of 30 April 2019 — XK v Commission

(Case T-543/18) ([1])

(2019/C 213/80)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

([1]) OJ C 399, 5.11.2018.

Order of the General Court of 30 April 2019 — XM and Others v Commission

(Case T-546/18) ([1])

(2019/C 213/81)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

([1]) OJ C 399, 5.11.2018.

Order of the General Court of 30 April 2019 — YQ v Commission

(Case T-570/18) ([1])

(2019/C 213/82)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

([1]) OJ C 408, 12.11.2018.

Order of the General Court of 30 April 2019 — YR v Commission

(Case T-571/18) ([1])

(2019/C 213/83)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

([1]) OJ C 408, 12.11.2018.

Order of the General Court of 30 April 2019 — YS v Commission

(Case T-572/18) ([1])

(2019/C 213/84)

Language of the case: French

The President of the Eighth Chamber has ordered that the case be removed from the register.

([1]) OJ C 408, 12.11.2018.

Order of the General Court of 30 April 2019 — Bronckers v Commission

(Case T-746/18) ([1])

(2019/C 213/85)

Language of the case: English

The President of the Third Chamber has ordered that the case be removed from the register.

([1]) OJ C 72, 25.2.2019.

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